



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
RESTORATION PROGRAM OFFICE
1400 CENTREPARK, SUITE 750
WEST PALM BEACH, FLORIDA 33401-7402

September 12, 2006

Special Project/Enforcement Branch
SAJ-2005-6598 (IP-TKW)

Ms. Carol A. Wehle
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Ms. Wehle:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at Post Office Box 4970, Jacksonville, Florida 32232-0019. The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM
THE APPROVED PLANS ENCLOSED.

Sincerely,

Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Enclosures

Copies Furnished:

DOF, Naples

DOI, Atlanta

FWS, Naples

FWS, Vero Beach

EPA, West Palm Beach

CESAJ-RD-PE



REPLY TO
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Ms. Carol A. Wehle
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Ms. Wehle:

The U.S. Army Corps of Engineers (Corps) has completed the review and evaluation of your permit application number SAJ-2005-6598(IP-TKW). The project is located in Picayune Strand in an area previously known as Southern Golden Gate Estates and today known as the Picayune Strand Restoration Project (PSRP). The project includes removal of asphalt, degrading of roads, and filling of roadside swales. Specifically 59 miles of asphalt will be removed and 260 miles of roadway degraded. The purpose of the project is to restore hydrologic sheetflow and encourage natural recruitment of wetland plant species. The project is a component of the PSRP, a State of Florida Acceler8 project.

The goal of the Acceler8 Program is to assist in the restoration, preservation, and protection of the South Florida ecosystem while providing for other water related needs of the region. This program of projects will be designed to provide the quantity, quality, timing, and distribution of water necessary to achieve and sustain those essential hydrological and biological characteristics that define the restored south Florida ecosystem. The construction and operation of Acceler8 will be required to remain consistent with the Federal Central & South Florida Project as modified by law and its project goals and purposes.

Given that the Acceler8 projects are intended to be constructed by the State and are a subset of planned federal projects within the Comprehensive Everglades Restoration Plan (CERP), the South Florida Water Management District has agreed with the Federal Government to design, construct, and operate

the Acceler8 projects consistent with the requirements of the Water Resources Development Act (WRDA) of 2000, applicable federal and state law, and the Central and Southern Florida Project purposes as a whole. The State acknowledges that it will be in full compliance with the Programmatic Regulations, President/Governor Agreement, and Section 601 of WRDA 2000 prior to execution of a Project Cooperation Agreement in order for the Acceler8 project to become a federal project. Until such time, the Acceler8 projects are a state program and programmatic regulations are not directly applicable.

Our regulations require that you have an opportunity to review the terms and conditions prior to final signature by the Department of the Army. Enclosed are two unsigned Department of the Army permit instruments (permit).

Please read carefully the Special Conditions beginning on page 3 of the permit. These were developed to apply specifically to your project. Water Quality Certification is also required prior to issuance of a permit. A copy of the State certification for your project has been received. In accordance with General Condition 5 of the permit, the Water Quality Certification has been attached to the Department of the Army permit.

This letter contains an approved jurisdictional determination and proffered permit for your subject permit application. If you object to this determination/decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination/decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Michael F. Bell
South Atlantic Division
U.S. Army Corps of Engineers
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801.

Mr. Bell can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by September 10, 2006.

It is not necessary to submit an RFA form to the Division office, if you do not object to the determination/decision in this letter. In this case, both copies must be signed by the applicant in the space provided on the signature page of the permit. In the case of corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

SIGN AND RETURN BOTH PERMITS, IN THEIR ENTIRETY, TO THE LETTERHEAD ADDRESS.

Both permits will be signed by the District Engineer and one copy returned to you. It is important to note that the permit is not valid until the District Commander signs it.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey:
http://www.saj.usace.army.mil/permit/forms/customer_service.htm.
Your input is appreciated - favorable or otherwise.

Should you have any questions, please contact Tori K. White at the letterhead, via electronic mail at

tori.white@saj02.usace.army.mil, or by telephone at
561-472-8888.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul L. Grosskruger". The signature is stylized with a large initial "P" and a cursive "L".

Paul L. Grosskruger
Colonel, U.S. Army
District Commander

Enclosures

SECTION II: REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Tori K. White
561-472-8888

If you only have questions regarding the appeal process you may also contact:

Michael F. Bell
404-562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33406

Permit No: SAJ-2005-6598(IP-TKW)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the Permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project includes the placement of fill associated with degrading of 260 miles (462.93 acres) of roads located throughout the 55,247-acre Picayune Strand Restoration Project (PSRP). Asphalt will be removed from approximately 60 miles of paved or primary roads. Then primary, secondary gravel roads, and service roads will be lowered to natural, pre-development grade. Existing roads and berms will be degraded to natural ground elevation and roadside swales filled to natural ground elevation to restore the hydrologic sheetflow and encourage natural recruitment of wetland and upland plant species consistent with site conditions.

The limits of clearing will extend approximately 100 feet from the centerline of the existing roads and include both uplands and wetlands. Potentially 5,278.62 acres of wetlands will be impacted as a result of the road removal project. The work described above is to be completed in accordance with the drawings in 12 pages dated July 2006 and in 7 attachments affixed at the end of this permit instrument.

Project Location: The project is located in portions of Sections 1, 12, 13, 14, 24, 25, 36, Township 50 and 51 south, Range 27 east; Sections 1-36, Township 50 and 51 south, Range 28 east; Sections 4, 5, and 6, Township 52 south, Range 28 east, southwestern Collier County, Florida. The PSRP is located southwest of the Florida Panther National Wildlife Refuge, north

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of the Ten Thousand Islands National Wildlife Refuge, east of the Belle Meade portion of the Picayune Strand State Forest, west of the Fakahatchee Strand Preserve State Park, and northeast of Collier-Seminole State Park.

Latitude: -81.515966 north Longitude: 26.064421 west

Directions to site: To access the site, take Interstate-75 west to Exit 101 North onto Collier Blvd. Go north on Collier Blvd. to Golden Gate Blvd. Take Golden Gate Blvd. east to the 4-way stop sign at Everglades Blvd. Take Everglades Blvd. south until you cross over Interstate-75 and look for street numbers at the intersections on the pavement of Everglades Blvd.

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on **12 September, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All submittals and reports required under this permit and all subsequent modifications shall be provided in a single Consolidated Annual Report, i.e., the South Florida Environmental Report on March 1, and should be provided to the following addresses:

U.S. Army Corps of Engineers (USACE)
South Florida Restoration Program Office
1400 Centrepark, Suite 750
West Palm Beach, Florida 33401
Re: Project No: SAJ-2005-6598(IP-TKW)

U.S. Army Corps of Engineers
Enforcement Section (CESAJ-RD-PE)
P.O. Box 4970
Jacksonville, Florida 32232-0019
Re: Project No: SAJ-2005-6598(IP-TKW)

U.S. Fish and Wildlife Service (USFWS)
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32916

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2. The Permittee shall conduct a pre-construction meeting a minimum of 5 days prior to commencement of construction in order to notify contractors of the requirements of the permit. The Permittee shall provide a minimum of 14 working days advance notification of the pre-construction meeting to the USACE, South Florida Restoration Program Office and the USFWS South Florida Ecological Services Office in Vero Beach and Sub Office in Naples. At the pre-construction meeting, the Permittee will provide the contractor with information on the location of fish and wildlife monitoring stations, vegetation monitoring transects, and well locations to ensure the contractor avoid impacts to these monitoring locations.

3. The Permittee shall notify the USACE, South Florida Restoration Program Office and the USFWS, Naples and Vero Beach Offices, in writing or by electronic mail at least 5 working days prior to commencement of construction for Phase I and 14 working days prior to commencement of construction for subsequent phases of the project as identified in special condition number 10 below.

4. The Permittee shall provide as-built drawings of the authorized work and a completed As-Built Certification Form. The drawings and Certification Form are to be submitted within 90 days of completion of the authorized work or a response indicating that the authorized work has not been accomplished shall be submitted prior to the expiration of the construction authorization of the permit. The drawings and Certification Form must be signed and sealed by a professional engineer registered in the State of Florida and where appropriate, a professional land surveyor registered in the State of Florida. In the event that the completed work deviates from the approved permit drawings and special conditions, the Permittee shall describe, on the Certification Form, the deviation(s) between the project authorized by the permit and the project constructed. A blank Certification Form is attached at the end of this permit (Attachment 4).

5. Conditions for projects the Permittee plans to construct in furtherance of the Comprehensive Everglades Restoration Plan (CERP), but which are being constructed in advance of final authorization/approval of the associated CERP Project

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Implementation Report (PIR) and/or execution of a Project
Cooperation Agreement (PCA):

a. The USACE' analysis of this permit application pursuant to applicable regulations and the National Environmental Policy Act (NEPA) may need to be supplemented as new information becomes available and/or to meet requirements for modifications of the permit.

b. The USACE' decision that this project has independent utility is made solely for the purpose of permitting and does not mean that it is or is not a separable project under CERP.

c. Issuing this permit does not constitute approval of any engineering or design for any future consideration of the project under CERP.

d. Future action on related portions of this project or other projects being implemented under CERP may require additional NEPA compliance analysis and documentation or other related analyses under the USACE' Civil Works Planning Process.

e. The issuance of this permit does not constitute a recommendation by the Chief of Engineers for congressional authorization of this project for construction or implementation as a feature or component of an authorized CERP project.

f. The issuance of this permit does not constitute approval of this project as being necessary, integral, and cost effective for consideration of cost sharing for the planning, design, engineering, construction or implementation of a feature of CERP.

g. Any work under an authorized federal project cannot be considered for any mitigation that may be required by issuance of this permit.

h. The Permittee is required to design, construct, and operate the project consistent with the Central and Southern Florida Project as modified.

i. The permit specific conditions will be reevaluated if a PCA is executed on an authorized CERP project, which includes

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the Acceler8 project feature, in order to relieve the Permittee of specific conditions that are no longer applicable.

6. CESAJ Master Specifications: The Permittee shall adhere to all applicable CESAJ Environmental Specifications from Section 01355 and the CESAJ Turbidity Specifications from Section 01411 of the plans and specifications for the project, which are incorporated herein by reference.

7. Environmental Commitments:

a. The Permittee shall employ best management practices with regard to erosion and turbidity control as described in the *Section 01411 Turbidity Specifications*. Prior to construction, the Permittee shall examine all areas of proposed erosion/turbidity control in the field, and make adjustments to the plan specified in the plan control device as warranted by actual field conditions at the time of construction.

b. The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes in accordance with federal, state, and local requirements. The Permittee shall develop an environmental protection plan to address concerns regarding monitoring of equipment, maintenance and security of fuels, lubricants, and spill prevention.

c. Demolition debris will be transported to a landfill or otherwise disposed of in accordance with federal, state, and local requirements. Concrete or paving materials will be disposed of in accordance with federal, state, and local requirements.

d. No asphalt shall be disposed of on site or used for filling roadside swales and low areas. Asphalt may be stockpiled on site for road maintenance in limited and designated stockpile areas as approved by the USACE and FDOF prior to stockpiling.

e. The Permittee shall implement an Exotic and Nuisance Plant Management Plan for the degraded roadways. Within 30 days of the date of this permit, the Permittee shall provide a copy

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of the plan to the USACE for review and approval. No modification to the plan shall occur without prior approval of the USACE. The Permittee shall ensure that degraded roadways and areas cleared under this permit action are maintained with less than 5 percent exotic and/or nuisance plant species in perpetuity.

f. The Permittee shall implement the *Ecological and Water Quality Monitoring Plan*, Appendix H of Volume 4 of the *Final Integrated Project Implementation Report/Environmental Impact Statement, Picayune Strand Restoration Project* (PSRP PIR/EIS) which is incorporated herein by reference for all monitoring stations located within the project area as shown on the project maps (Attachment 1) with the exception of monitoring that is currently being conducted by the USACE e.g. panther prey studies referenced in special condition number 8.i below. Within 30 days of the date of this permit, the Permittee shall submit a map of the monitoring station locations to the USACE for review and approval to ensure that the areas affected by this permit action are appropriately represented by monitoring stations. Results of the monitoring shall be reported annually to the addresses listed in special condition number 1 above.

g. The Permittee shall implement baseline monitoring for the project as identified as Items 1, 2, and 4 (Wood Storks and Wading Birds, pages H-19) as specified in the *Ecological and Water Quality Monitoring Plan*, PSRP PIR/EIS Volume 4, Appendix H. This permit acknowledges that other baseline monitoring is complete or ongoing and funded consistent with the plan or is committed to under permit condition 8.j. No modifications to this Monitoring Plan shall occur without prior approval by the USACE in coordination with the PSRP Assessment and Adaptive Management Team. Concurrent with this permit, the PSRP Assessment and Adaptive Management Team is updating the plan. As updates are made by the Team, the USACE will re-evaluate the permit requirements and modify them as necessary to ensure consistency with the PSRP PIR/EIS monitoring plan. Results of the monitoring shall be reported as identified in special condition number 1 above.

h. This permit acknowledges that the Permittee is remediating areas identified as contaminated by pesticides/herbicides etc. and that may be affected by this

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project under a separate Nationwide Permit Verification. The Permittee is required to remediate contaminated areas affected by this permit prior to the works authorized herein.

8. Wildlife/Listed Species Conditions:

a. Within 30 days and at least two weeks prior to construction of each phase of the project as identified in special condition number 10, the Permittee shall perform fish and wildlife surveys for state and federal listed species consistent with the *PSRP Protected Species Pre-Construction Surveys Proposed Survey Methodology* (Attachment 5). Wildlife surveys shall be performed by a qualified fish and wildlife biologist who will discuss survey methodology with the USFWS prior to the required surveys. Consistent with special condition number 2, the Permittee shall notify the USFWS of the pre-construction meeting. Copies of the survey results shall be furnished to the USFWS a minimum of 5 working days prior to construction of each phase of the project as identified in special condition number 10, Attention: Kim Dryden (or designee), U.S. Fish and Wildlife Service, Office of Ecological Services, 3860 Tollgate Blvd. Suite 300, Naples, Florida 34114. If state-listed species are affected by the project, the Permittee shall contact the Florida Fish and Wildlife Commission (FFWCC), 255 154th Avenue, Vero Beach, Florida 32968, 772-778-5094, consistent with the protocol above for contact and coordination with the USFWS. Information on FFWCC permit requirements and applications can be found on the web at <http://wld.fwc.state.fl.us/permits/permits.html>. The USFWS will be notified upon locating a dead, injured, or federally listed species before, during, and after construction of the project.

b. The Permittee shall inform contractor personnel of the potential presence of threatened and endangered species in the project area, the need for precautionary measures and the ESA prohibition on taking listed species. All construction contractors will be trained and briefed on how to identify and avoid harm and harassment to fish and wildlife species within the project area consistent with the Permittee's standard Acceler8 pre-construction education package; as well as conditions under which the USFWS should be notified.

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c. The Permittee shall contact the FFWCC, 566 Commercial Boulevard, Naples, Florida 34104, 239-643-4220 14 days prior to construction of each phase of the project as identified in special condition number 10 to identify any known Florida panther denning areas that may be affected by project construction. If denning areas are identified, the Permittee shall coordinate with the USFWS and the FFWCC in avoiding impacts to panther denning locations.

d. Prior to construction of Phase 1 and all subsequent phases of construction, the Permittee shall contact the FFWCC Naples Office to assess and characterize the pre-project panther telemetry in the project area, including Fakahatchee Strand Preserve State Park, the Belle Meade portion of the Picayune Strand State Forest, and Florida Panther National Wildlife Refuge, to establish a project baseline for panther telemetry information. The assessment shall be repeated every 3 years, during and after project completion. The assessment shall include abundance and distribution of panthers in the project area landscape, changes in habitat utilization if any, numbers of breeding females, and changes in population age distribution. If the panther telemetry work described herein is contracted by the USACE, this permit will be modified to relieve the Permittee of this condition.

e. This permit acknowledges that 14 days prior to construction of each phase of the project, the USACE will contact Dave Shindle of the Conservancy of Southwest Florida, 1450 Merrihue Drive, Naples, Florida 34102, 239-262-0304, regarding the location of any important habitat areas identified in the panther prey base study and any recommendations for minimizing impacts to panthers based on the study.

f. The Permittee shall post educational kiosks, post speed limits, and install signs warning of listed species, particularly the Florida panther that may be present within the construction area. The signs shall be a minimum 2' x 3' with clearly visible contrasting letters "WARNING, PANTHER HABITAT, DRIVE CAUTIOUSLY. Panther caution signs shall be posted every 2 miles for the length of the access to and from the construction site. Signs may be moved from one phase to another upon project construction completion.

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g. The following special measures will be incorporated during project construction to minimize effects to any listed species that may be present: a) *Standard Protection Measures for the Eastern Indigo Snake* (Attachment 6), b) *Management Guidelines for the Bald Eagle in the Southeast Region* and *Bald Eagle Standard Local Operating Procedures for Endangered Species*, and c) *Habitat Guidelines for the Wood Stork in the Southeast Region*. Copies of the documents required for items b and c are available on the internet at <http://www.fws.gov/verobeach/Programs/Permits/Section7.html>.

h. This permit acknowledges that the PSRP project is anticipated to result in 515,520 panther habitat units (PHU) after restoration as determined by the USFWS. These PHUs will be used to offset impacts to panther habitat associated with the implementation of other Acceler8 projects. Final PHUs will be confirmed by the USFWS once restoration and rehydration is completed, assessed, and documented.

i. This permit acknowledges that the USACE is conducting a 2-year pre-construction project baseline and post project (5-year interval for 50 years unless modified and approved by USFWS) panther prey density studies in accordance with requirements of the PSRP PIR/EIS. If the USACE ceases to perform, assess, and summarize the required monitoring for purposes of determining the status of panther and panther prey and minimizing effects of the project on the panther, the USACE will reinstitute consultation under Section 7 of the Endangered Species Act. In addition, the USACE, USFWS, and the Permittee shall re-evaluate the monitoring requirements and panther benefits assigned to the project to determine monitoring or habitat compensation responsibilities.

j. This permit acknowledges that the Permittee is currently conducting baseline monitoring for ground and surface water elevations, inland aquatic and terrestrial species, wading birds, and habitat (vegetation plots) monitoring consistent with the *Ecological and Water Quality Monitoring Plan*, Appendix H, Volume 4, PSRP PIR/EIS (as modified).

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9. Historic Properties:

a. The Permittee shall not initiate any construction for this undertaking that would adversely affect the properties listed or eligible for listing in the *National Register of Historic Places* (NRHP).

b. The permit acknowledges that buffer areas shall be established by the USACE around all sites determined to be eligible or potentially eligible for listing in the NRHP prior to construction of each phase of the project as identified in special condition number 10 below. The buffer shall be a minimum of 100 meters from the extreme east and west points of the site as identified in the Cultural Resource Phase II Survey prepared by New South Associates and incorporated herein by reference.

c. A State approved archaeological monitor or professional archaeologist shall be on site during all ground disturbing activities.

d. If prehistoric or historic artifacts, such as but not limited to prehistoric and historic ceramics, lithic materials or metal implements, dugout canoes, or any other physical remains that could be associated with prehistoric or historic cultures is encountered during work authorized by this permit, the Permittee shall cease all activities involving the subsurface disturbance in the immediate vicinity of such discoveries and immediately contact the Corps for assessment by State and Federal cultural resource specialists. Project activities shall not resume without written authorization from the Corps and until the Corps has verified that the requirements of 33 CFR Part 325, Appendix C, and the Revised Interim Guidance for Implementing Appendix C of 33 CFR part 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 CFR Part 800 dated April 25, 2005 have been met.

e. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance within Section 872.05, Florida Statutes. However, since the project is on lands owned by the State of Florida, The Native American Graves Protection and Repatriation Act do not apply.

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f. Prior to commencement of construction, the Permittee shall ensure that a professional archaeologist provide training to all personnel on the job, including construction workers as well as personnel responsible for post-construction monitoring and patrolling on the kinds of archaeological/cultural materials that may be encountered during construction, the steps that should be taken in the event those materials are encountered, and detection and prevention of vandalism to the intact sites.

g. The Permittee shall implement a monitoring program to monitor surface and groundwater elevations in order for the USACE to evaluate effects to cultural resources. Within 30 days of the date of this permit the Permittee shall provide the USACE a map showing the location of monitoring stations for review and approval. This monitoring may be performed in accordance with requirements of special condition number 8.f if the USACE determines that adequate monitoring station locations are represented. If adequate monitoring station locations are not represented in close proximity to the cultural resource sites, additional monitoring stations may be required to evaluate surface and groundwater elevations in order to assess effects to cultural resource sites within the project footprint. Results of the monitoring shall be reported annually to the addresses listed in special condition number 1.

10. Construction Authorization:

a. This permit acknowledges that construction will occur in four phases as identified below: Phase 1 - All roads east of Merritt Canal (65 miles),
Phase 2 - All roads between Merritt and Faka Union Canals (70 miles),
Phase 3 - All roads between Faka Union and Miller Canals (89 miles), and
Phase 4 - All roads west of Miller Canal (54 miles).

b. Initial construction is limited to Phase 1, the eastern portion of Picayune Strand between Prairie Canal and Merritt Canal. The Permittee shall coordinate with the USACE and incorporate lessons learned/modifying construction techniques and minimizing impacts prior to moving forward with subsequent phases of construction.

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c. Following the first five miles of road removal within Phase 1, the Permittee shall convene a site assessment with the USACE South Florida Restoration Program Office; USFWS Naples Office; Florida Department of Environmental Protection (FDEP), Attention: John Outland, 3900 Commonwealth Boulevard, Suite 45, Tallahassee, Florida 32399-3000, 850-245-2089; and Florida Department of Forestry (FDOF), Attention: Sonja Durrwachter, 2121 52nd Avenue SE., Naples, Florida 34117, 239-348-7558. The Permittee is not required to cease construction activities during the site assessment; however, the Permittee shall coordinate with the USACE, USFWS, FDEP, and FDOF to incorporate lessons learned and modify construction techniques, etc. to the maximum extent practicable for the remainder of the construction activities within Phase 1.

d. Prior to construction of Phase 1 and at least 2 weeks prior to construction for each subsequent project phase, the Permittee will identify and designate construction and staging areas for project construction equipment and materials, asphalt, and excess spoils and shall provide this information to the USACE, USFWS, and FDOF. Prior to commencement of subsequent phases of the project the Permittee shall submit detailed final plans to the USACE for review and approval.

e. This permit acknowledges that project access will be from Everglades Boulevard across Interstate 75 (I-75). Temporary project construction access from I-75 onto Everglades Boulevard is not authorized under this permit. Project construction ingress and egress is prohibited through Janes Scenic Drive in Fakahatchee Strand Preserve State Park.

11. The Permittee shall submit to this office any revisions and/or modifications to the underlying design documents and drawings for the enclosed project plans. The Permittee is advised that failure to provide complete requests for permit modifications or complete monitoring reports as required by any of the conditions above, may prevent this office from issuing future modifications to this permit and authorizations for further construction, even if the particular incomplete submittal is for a different portion of the project.

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)

PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT

PAGE 14 of 21

12. The Permittee shall place above-grade material associated with logging trams into the adjacent ditches. The Permittee agrees to perform this activity for logging trams located throughout the project area (Attachment 1) as part of subsequent phases (Phase 2, 3, and/or 4) of project construction. The Permittee shall coordinate with the USACE and USFWS on the amount of, access to, and removal of log trams during each construction phase of the project.

13. This permit acknowledges that future recreational activities within Picayune Strand State Forest are proposed through the Department of the Forestry Resource's Ten-Year Management Plan which are not part of this permit and shall be reviewed under separate federal action. This includes any proposed recreational or management uses of roads proposed by the managing entity.

14. The Permittee shall identify areas of low water crossings or stabilized roadways. The location and materials associated with these roadways will be approved by the USACE, FDOF, and the USFWS. Low water crossings and roadway stabilization shall not be constructed above grade and shall allow sheetflow at natural grade.

15. Compensatory Mitigation:

a. This permit acknowledges that project is anticipated to result in net positive environmental benefits as shown on the attached Unified Mitigation Assessment Methodology (UMAM) sheets (Attachment 7). The USACE will evaluate the results of the project monitoring to ensure that net positive environmental benefits are achieved. If within 5 years from the date of this permit, it is determined by the USACE that benefits associated with the project are not sufficient to offset the impacts, the Permittee will be responsible for undertaking corrective actions or alternative compensatory mitigation as determined by the USACE to offset project impacts. If the USACE determines that compensatory mitigation is necessary, mitigation within the U.S. Geological Survey's 8-digit Hydrologic Unit Code 03090204, Everglades West Coast Watershed will likely be required. The USACE may opt to delay such re-evaluation if it is determined that commencement of construction for the remainder of the restoration efforts in PSRP and the implementation of necessary

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 15 of 21

mitigation will occur in a timely fashion thereafter, considering the circumstances at that time. As a condition of this authorization, the Permittee agrees to fully satisfy, implement, and pay for any alternative mitigation requirements that the USACE may later determine to be necessary to address any loss of wetland function and value as a result of the project.

b. In addition to the monitoring information required to be reported under this permit, the Permittee shall provide a narrative generally providing a professional biological opinion of the condition of the degraded roadways, backfilled swales/ditches, and areas cleared for construction including the vegetative community and plant community succession, a list of plant species and their percent cover for each community, potential use of the degraded roadways by fish and wildlife, a description of any unusual climatic or other factors, and an UMAM evaluation of representative areas. This narrative shall be provided annually to the USACE, South Florida Restoration Program Office, for a period of five years or until such time that the USACE deems the net positive environmental benefits are sustainable.

c. The Permittee shall provide sufficient financial assurances, determined to be necessary by the USACE, for the performance of all obligations, covenants, terms, conditions, and agreements required under this permit, including the Monitoring and Adaptive Management Programs.

d. It is the responsibility of the Permittee to ensure that benefits of the project offset the impacts associated with construction. Therefore, the Permittee is responsible for assessing the monitoring data, coordinating monitoring results with the PSRP Assessment and Adaptive Management Team, implementing any corrective actions as deemed necessary by the USACE in coordination with the PSRP Assessment and Adaptive Management Team, and ensuring the public has access to the status of the project monitoring and assessment results.

16. If the Permittee is granted Department of the Army authorization to implement other components of the CERP PSRP that are not part of this permit action or if the project monitoring and assessment plans are updated, modified, or

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 16 of 21

incorporated into other programs, the permit conditions will be re-evaluated to incorporate additional monitoring requirements and/or to relieve the Permittee of specific conditions that are no longer applicable.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 17 of 21

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170)

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 18 of 21

accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the USACE will normally give favorable consideration to a request for an extension of this time limit.

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 19 of 21

Your signature below, as Permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(EXECUTIVE DIRECTOR)

Carol A. Wehle

South Florida Water Management District



(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT COMMANDER)

Paul L. Grosskruger
Colonel, U.S. Army



(DATE)

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 20 of 21

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

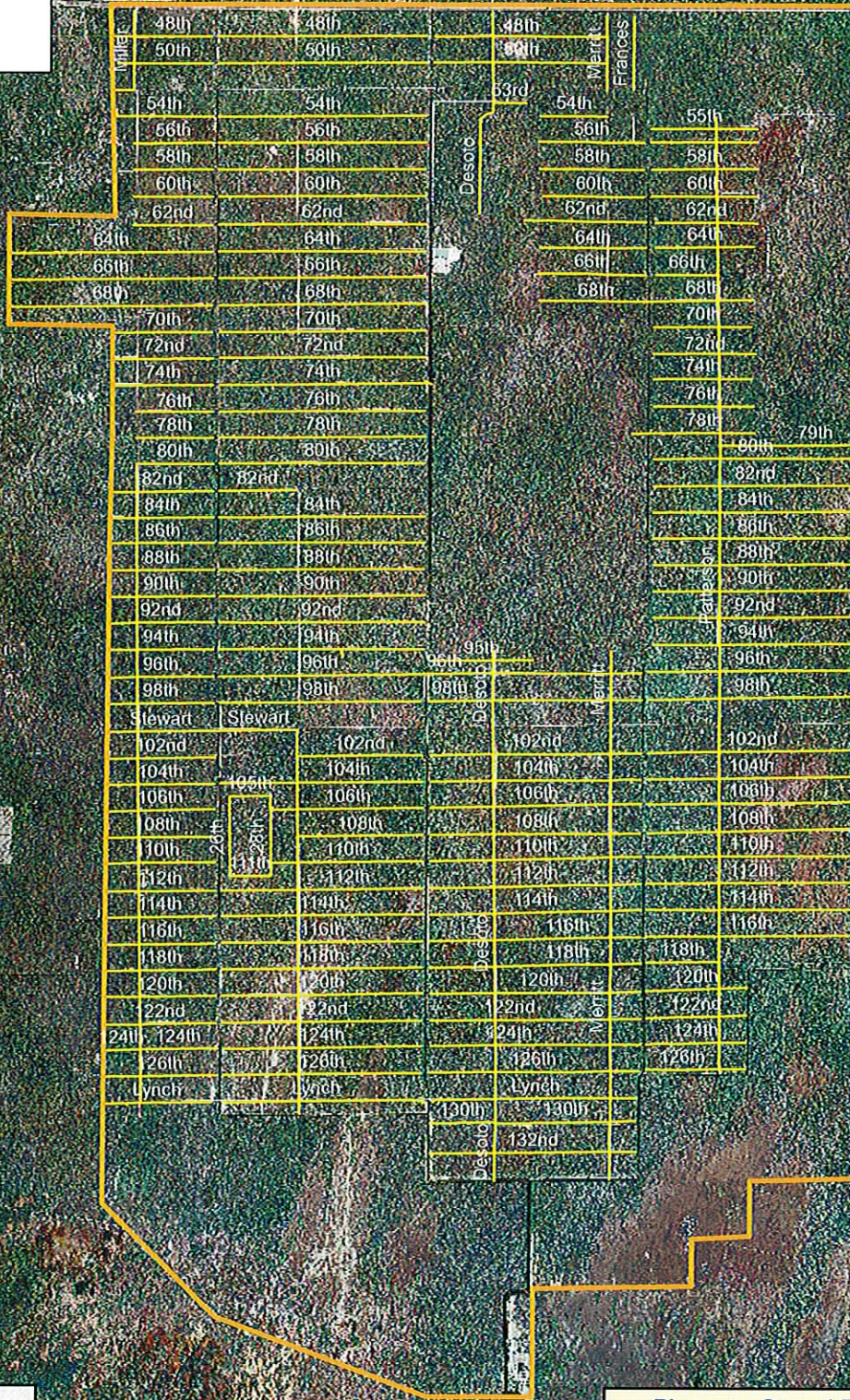
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2005-6598(IP-TKW)
PERMITTEE: SOUTH FLORIDA WATER MANAGEMENT DISTRICT
PAGE 21 of 21

***Attachments to Department of the Army
Permit Number SAJ-2005-6598(IP-TKW)***

1. PROJECT MAPS: 3 sheets, dated 15 August 2006
2. PERMIT DRAWINGS FOR PHASE 1: 12 pages dated July 2006
3. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit; 12 pages dated 1 September 2006
4. AS-BUILT CERTIFICATION FORM: 1 page
5. PSRP PROTECTED SPECIES PRE-CONSTRUCTION SURVEYS PROPOSED SURVEY METHODOLOGY: 2 pages dated 7 September 2006
6. STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE: 1 page
7. UNIFIED MITIGATION ASSESSMENT METHODOLOGY: 3 pages, dated 7 September 2006

Attachment 1
Project Area Maps



Legend

- Picayune Strand Restoration
- PSRP Roads (To be Removed)

Picayune Strand Restoration Project Location

X	Y
-81.515966	26.064421



Acceler8
 South Florida Water Management District
 2301 Center Park West Drive, Suite # 150
 West Palm Beach, FL 33406
 Tel # (561) 242-5520

EXHIBIT # 1A

Picayune Strand Restoration Road Removal PROJECT LOCATION MAP



\\DataServ410\4130\CERP Projects\1
 Picayune Strand\1502Road Removal\1
 Road Removal\Map.docx
 Project Location Map1 rev 08.15.06.mxd



This map was created using data provided to South Florida Water Management District by the Florida Department of Transportation (FDOT) and the Florida Department of Environmental Protection (FDEP). The data was processed and analyzed by the South Florida Water Management District. The District is not responsible for any errors or omissions in the data or the map. The District is not responsible for any damages or liabilities arising from the use of the map. The District is not responsible for any damages or liabilities arising from the use of the map.

Legend

- Roads to be Removed During Canal Plugging
- Picayune Strand Restoration
- Canals

Picayune Strand Restoration Project Location

X	Y
-81.515966	26.064421

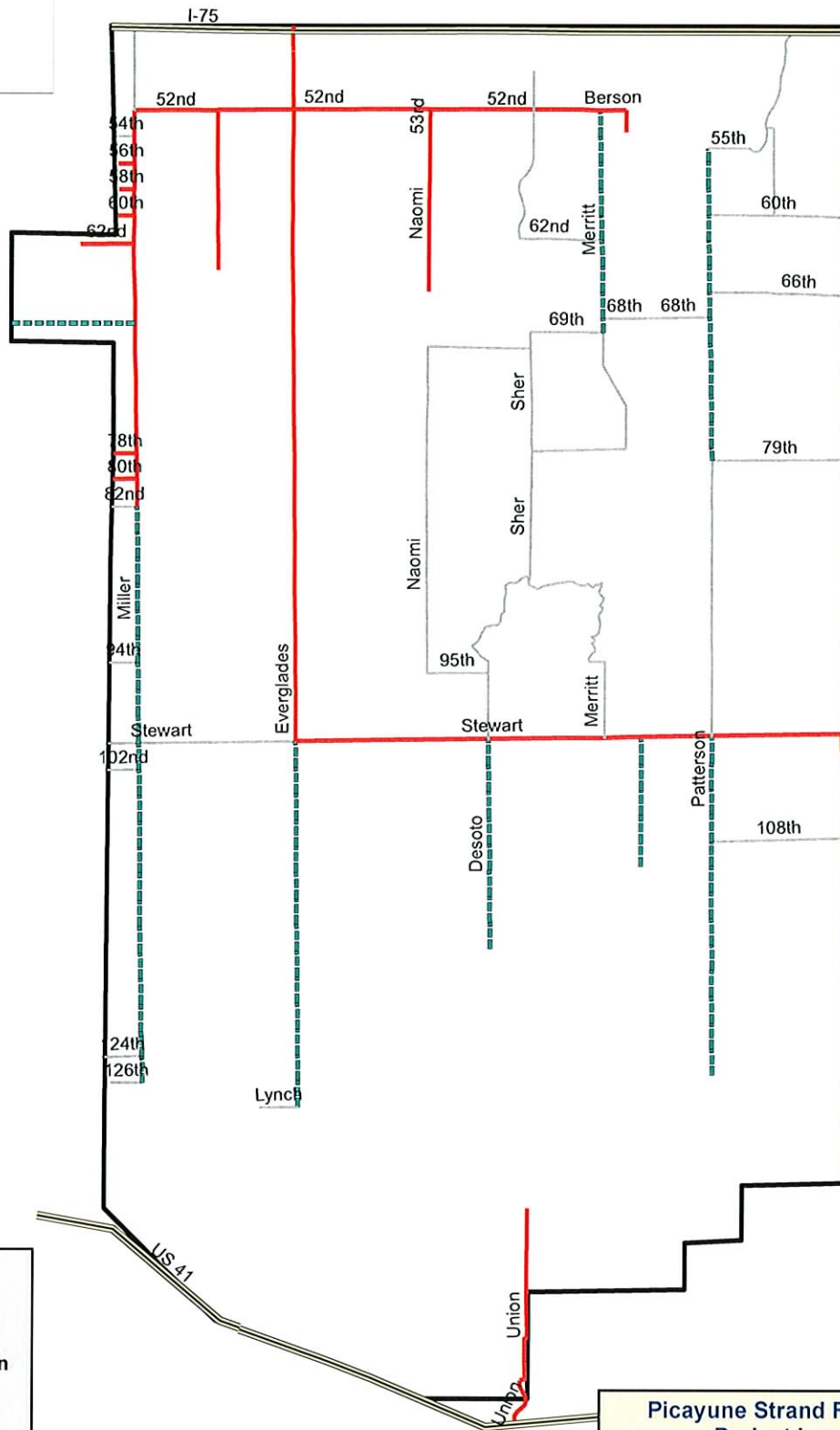


Acceler8
South Florida Water Management District
2301 Center Park West Drive, Suite # 150
West Palm Beach, FL 33406
Tel # (561) 242-5520

EXHIBIT # 1B
Picayune Strand Restoration
Roads To Be Removed
During Canal Plugging



\\Data\serv\410\4130\CERP Projects\ Picayune Strand\1502Road Removal\ Road_Removal_Map.docx
Project Location Map3 rev 08.15.06.mxd



DISCLAIMER
Any information, including but not limited to software and data, received from the South Florida Water Management District ("District") in fulfillment of a request is provided "AS IS" without warranty of any kind, and the District expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The District does not warrant, guarantee, or make any representations regarding the use, or the results of the use of the information provided to you by the District in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the District is entirely assumed by the recipient. This map is a conceptual tool utilized for project development only. This map is not self-executing or binding, and does not otherwise affect the interests of any persons including any vested rights or existing uses of real property. This is not a survey.

Legend

- Picayune Strand Restoration
- PSRP Post Construction Road Plan
- Highway
- Primary
- Secondary
- Service

0 0.4 0.8 1.6 Miles

Picayune Strand Restoration Project Location

X	Y
-81.515966	26.064421



Acceler8
South Florida Water Management District
2301 Center Park West Drive, Suite # 150
West Palm Beach, FL 33406
Tel # (561) 242-5520

EXHIBIT # 1C

Picayune Strand Restoration
Post Construction Road Plan



\\Data\\serv4\\10\\4130\\ICERP Projects\\
Picayune Strand\\1502\\Road Removal\\
Road_Removal_Map_docs\\
Project_Location_Map2_rev_08_15_06.mxd

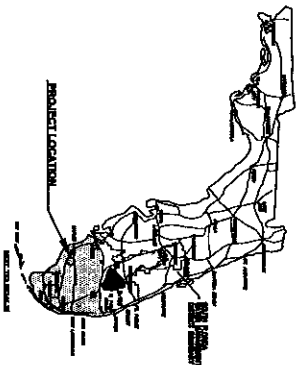
Attachment 2
Permit Drawings



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

JUNE 2006

PICAYUNE STRAND RESTORATION ROAD REMOVAL COLLIER COUNTY, FLORIDA



GOVERNING BOARD

KEVIN MCCARTY
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IRELLA M. BASILE
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ALICE J. CARLSON
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MAYA BURT-STEWART
BOARD MEMBERS

EXECUTIVE OFFICE

CAROL ANN WHELE, P.E.
EXECUTIVE DIRECTOR

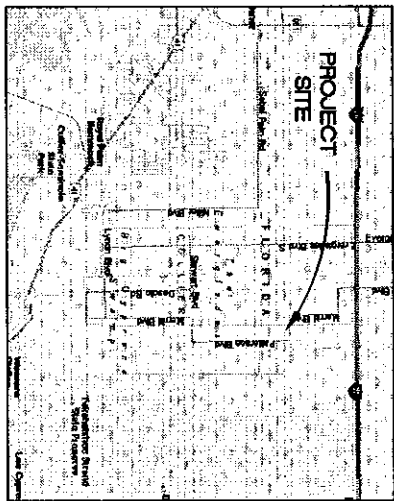
APPROVED BY:

TOMMY B. STROMO, P.E.
ACCELERB PROGRAM OFFICE



PARSONS
WATER & INFRASTRUCTURE INC.

1555 Palm Beach Lakes Blvd.,
Suite 1150
West Palm Beach, Florida 33404



LOCATION MAP



INDEX OF SHEETS

GENERAL

- 001 COVER SHEET WITH LOCATION MAP AND INDEX OF SHEETS
- 002 GENERAL NOTES AND SITE ACCESS
- 003 SITE PLAN, APPROPRIATIONS, LEGEND, SYMBOLS AND SHEET KEY PLAN

CIVIL

- 004 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 005 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 006 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 007 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 008 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 009 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 010 EXISTING TOPOGRAPHY ROAD REMOVAL, PLAN - 1/8"
- 011 TYPICAL DETAILS - ROAD REMOVAL - 3/2"
- 012 TYPICAL DETAILS - ROAD REMOVAL - 3/2"

DRAWINGS NOTE:

EXISTING INFORMATION HAS BEEN OBTAINED FROM THE BEST AVAILABLE SOURCES. THE LOCATION OF THE EXISTING ROADWAY, TRAIL, AND OTHER FEATURES SHOWN ON THESE PLANS ARE FOR INFORMATION ONLY. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY AND COMPLETENESS OF THE INFORMATION SHOWN ON THESE PLANS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE PROJECT.

CONTRACT NO. CND040817

The undersigned, individually or jointly, certifies that the project described herein is a public project and that the project is being undertaken for the public use, pleasure, or benefit of the people of the State of Florida. The undersigned further certifies that the project is being undertaken for the public use, pleasure, or benefit of the people of the State of Florida. The undersigned further certifies that the project is being undertaken for the public use, pleasure, or benefit of the people of the State of Florida.

NOT FOR BIDDING OR CONSTRUCTION	DATE: 06/08/06	BY: [Signature]
---------------------------------------	----------------	-----------------

PICAYUNE STRAND RESTORATION
ROAD REMOVAL
COVER SHEET WITH
LOCATION MAP AND INDEX OF SHEETS



SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACCELERB PROGRAM OFFICE
PHONE: 561-886-8800
3324 GULF BLVD., SUITE 200
WEST PALM BEACH, FLORIDA 33406

OWNER: J.P.	DATE: 06/08/06	BY: [Signature]	REVISION DESCRIPTION
DESIGN: J.L.A./A.D.	DATE: 06/08/06	BY: [Signature]	
CHECKED: O.A.	DATE: 06/08/06	BY: [Signature]	
SCALE: NTS	DATE: 06/08/06	BY: [Signature]	

[illegible]

	TOP OF SLOPE
	TOE OF SLOPE
	TIDE OR DITCH
	CENTERLINE
	EXISTING TOP OF BANK
	PRODUCT BOUNDARY (LIMITS OF CONSTRUCTION)
	DIRECTION OF SLOPE
	SLOPE TO DRAIN
	PROPOSED SLOPE
	EXISTING SLOPE
	EXISTING CULVERT
	EXISTING STRUCTURE
	ROADWAY BRIDGE
	N.C.S. BENCHMARK
	SURVEY MONUMENT (NAIL)
	SECTION CORNER
	WELL
	WATER SURFACE
	RATIO OF SLOPE (1 VERT. ON 2 HORIZ.)

	FEET
INCHES	
NUMBER	
PERCENT	
AT	
DEGREES	
WITH	
BY	
DIAMETER	

SCALE: NTS

SHEET NUMBER WHERE SECTION IS CUT

25

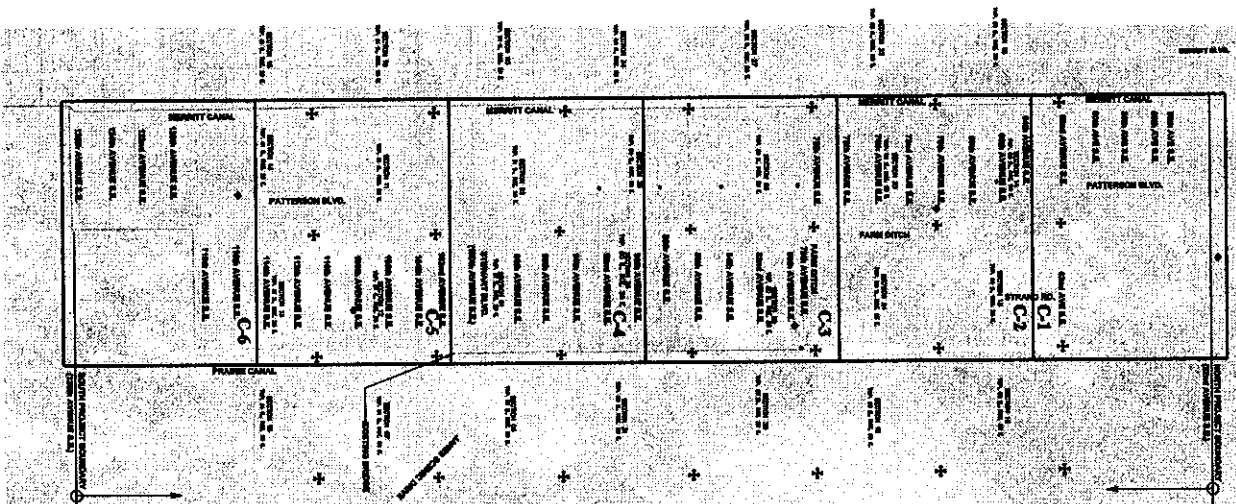
SHEET NUMBER WHERE SECTION IS SHOWN

SCALE IN INCHES

SHEET NUMBER WHERE DETAIL SHOWN

SHEET NUMBER WHERE DETAIL IS ENLARGED

SITE PLAN - SHEET KEY PLAN
SCALE: NTS



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BIDDING OR
CONSTRUCTION**

CONTRACT NO.	PICAYUNE STRAND RESTORATION ROAD REMOVAL
	SITE PLAN, ABBREVIATIONS, LEGEND, SYMBOLOLOGY AND SHEET KEY PLAN

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACCELER8 PROGRAM OFFICE

PHONE: 561-686-8800
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33406

DESIGNR: J.R.				
DRAWN: J.L.A./A.G.				
CHECKED: O.A.				
DATE: 06/08	06/08	J.L.A.	A	PRE-FINAL SUBMITTAL
SHEET: NTS	DATE	DRAWN	REV.#	REVISION DESCRIPTION

SEE SHEET 5 FOR CONTINUATION

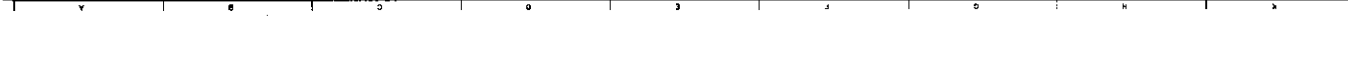
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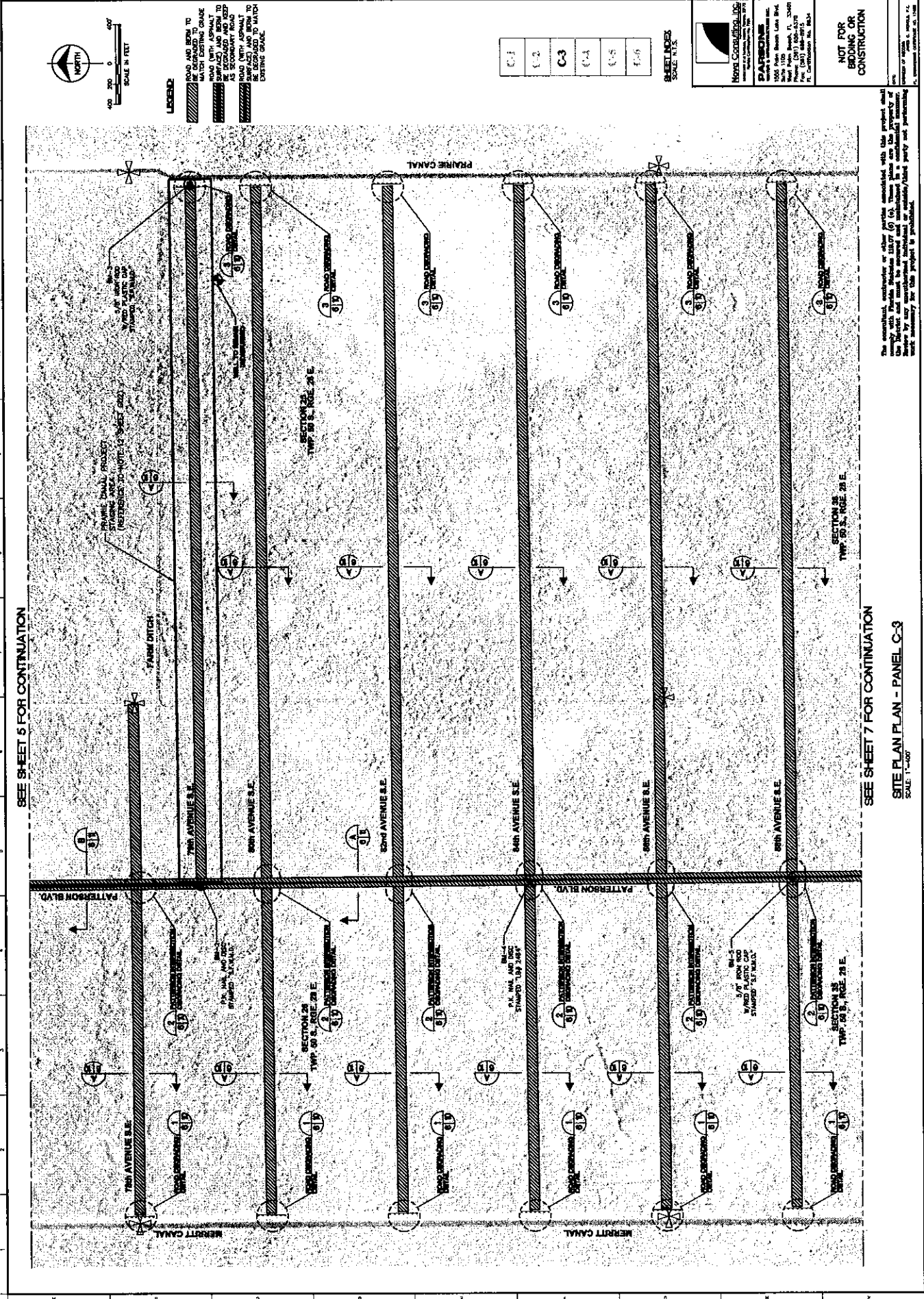
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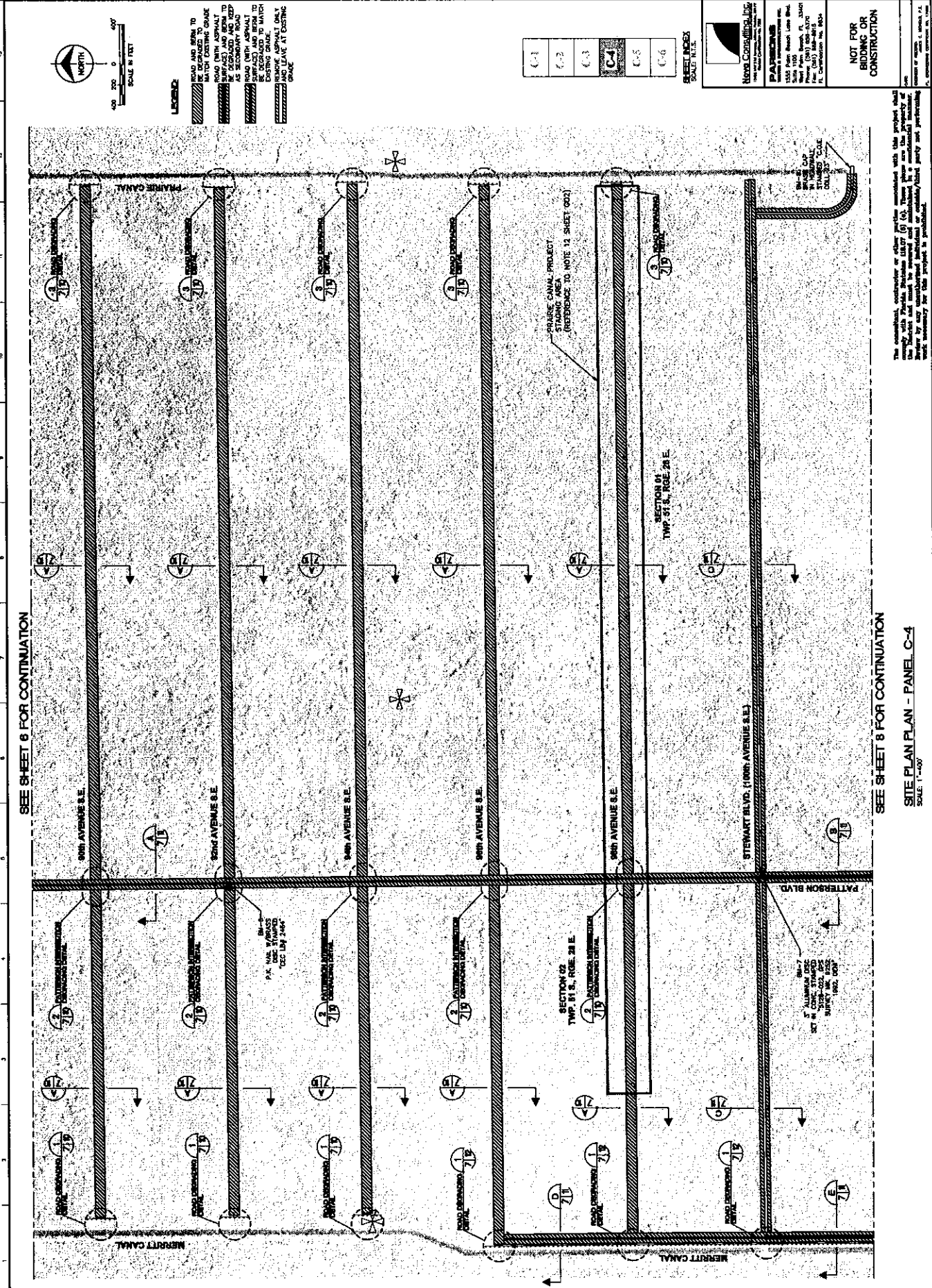
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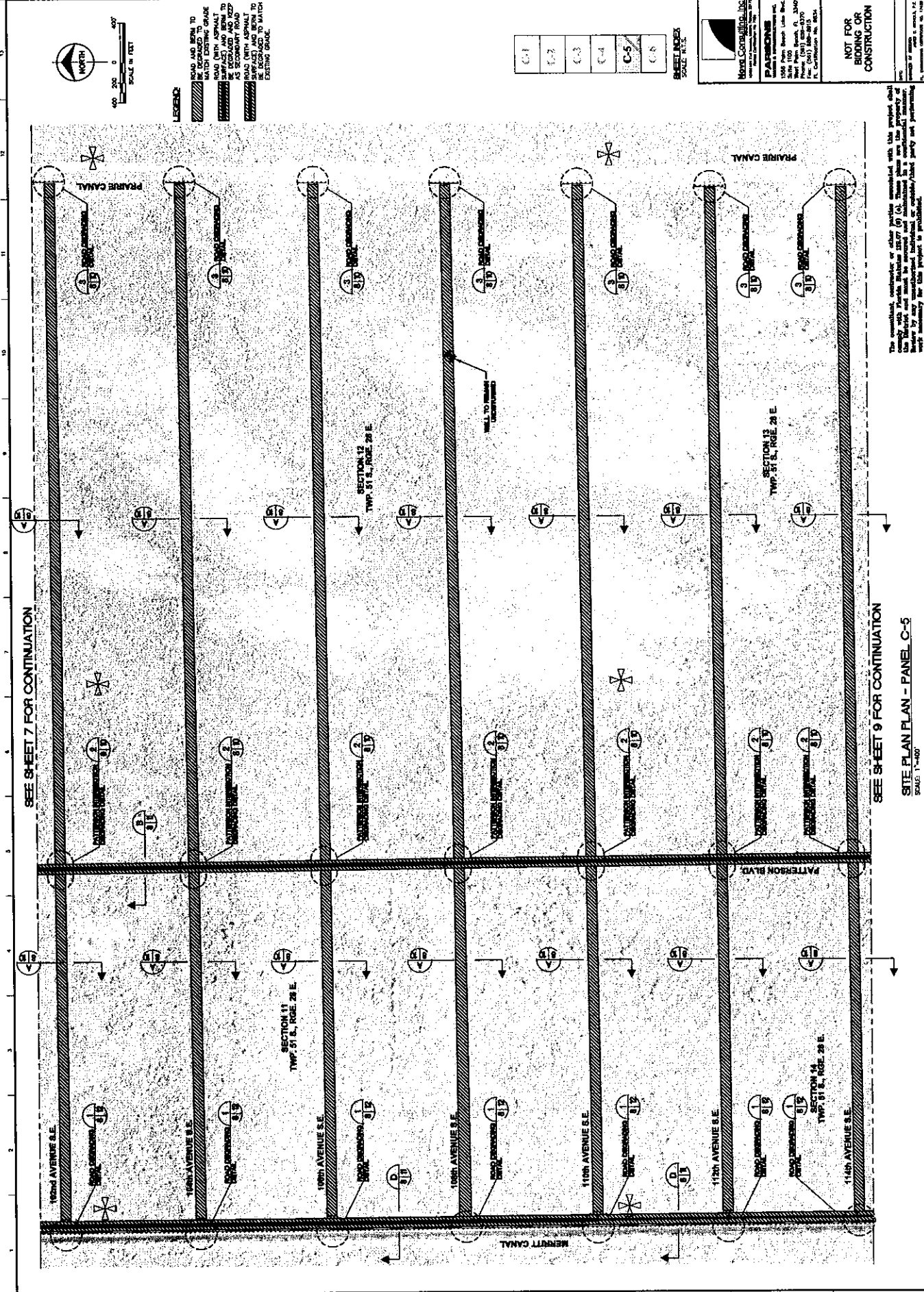
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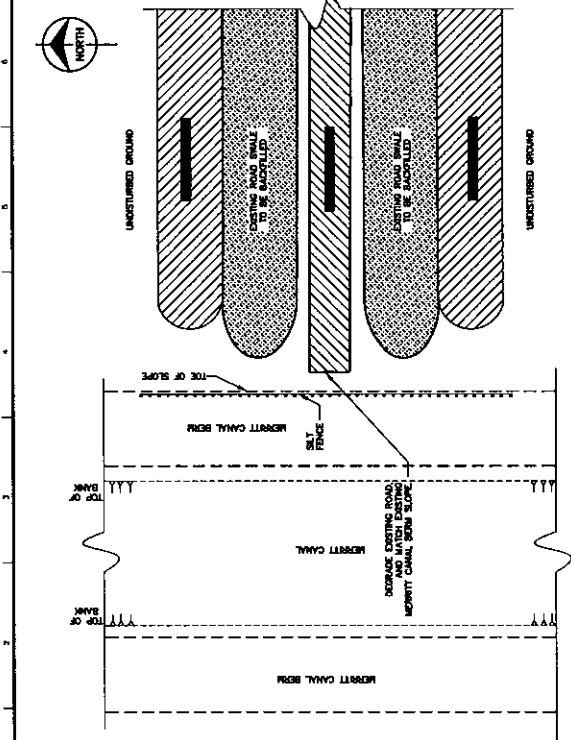
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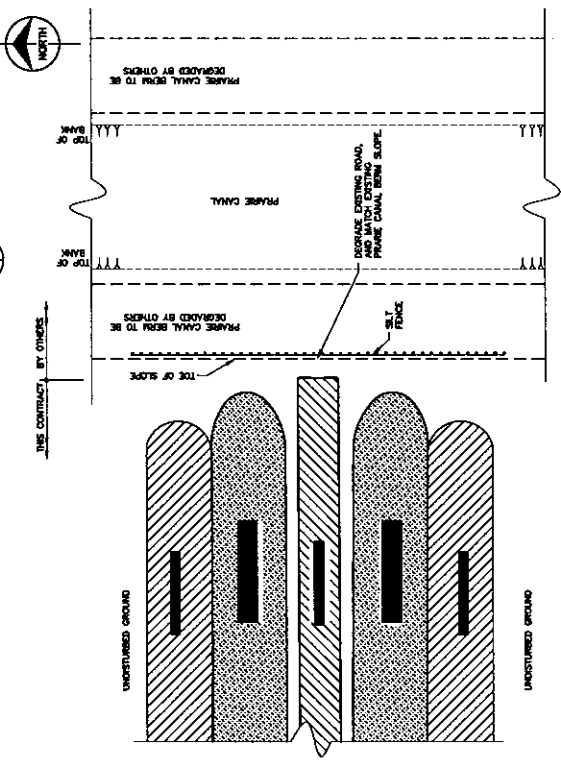




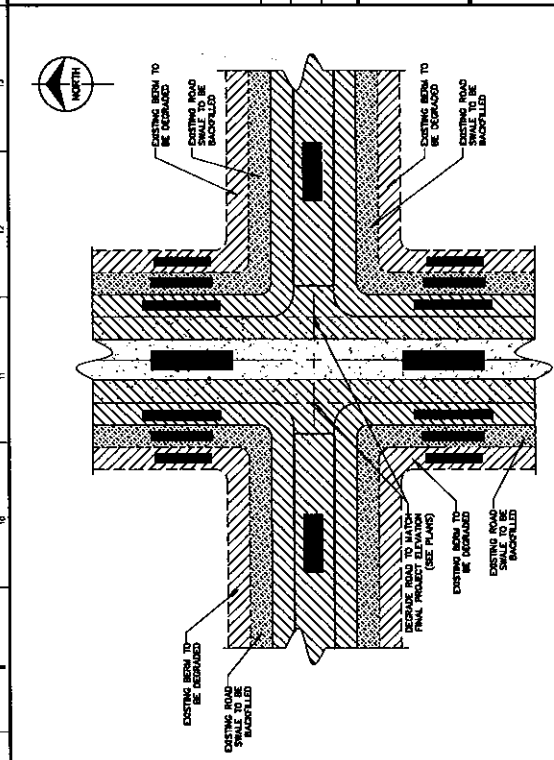




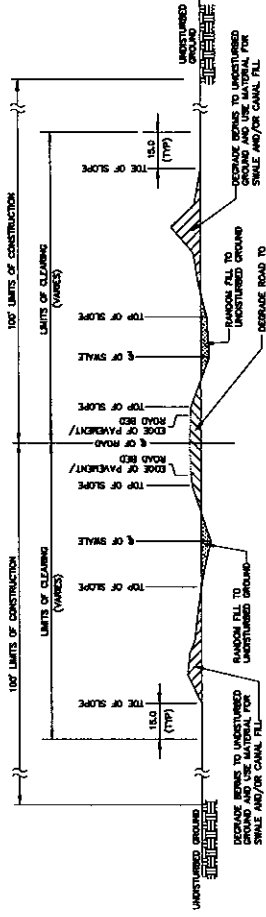
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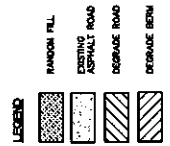
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4.567.89.10
SCALE: H/S



PATTERSON INTERSECTION DEGRADING DETAIL 2
4.567.89.10
SCALE: H/S



TYPICAL SECTION ROAD AND BERM REMOVAL A
4.567.89.10
SCALE: H/S



- NOTES:
1. EXISTING ROAD OF 12' WIDE CROSS SECTION CAN BE ASSIGNED TO REPRESENT 'UNDISTURBED GROUND'.
 2. RANDOM BERM DIMENSIONS VARY.
 3. EXISTING ASPHALT SHALL BE REMOVED WHERE INDICATED ON THE PLAN AND STOCKPILED IN PLACE UNTIL APPROVED BY THE DISTRICT PROJECT ENGINEER.

The contractor, subcontractor or other parties associated with this project shall comply with Florida Statutes 325.07 (5) (a). These laws are the property of the State of Florida and shall be returned to the State of Florida upon completion of the project. The contractor shall be responsible for obtaining all necessary permits and approvals for the project. The contractor shall be responsible for obtaining all necessary permits and approvals for the project.

Attachment 3
Water Quality Certification



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen Castille
Secretary

September 1, 2006

Ms. Carol Ann Wehle
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL. 33406

Dear Ms. Wehle:

Enclosed is the permit modification (Permit No. 0221670-004-GL) for the Picayune Strand Restoration Project-Road Removal, issued under the authority of the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA), Chapter 373.1502, Florida Statutes (F.S.); Title 62, Florida Administrative Code (F.A.C.); and pursuant to the Department's authority under Chapters 373 and 403, F.S.

This is a modification to the previously authorized Picayune Strand Restoration Project Phase I, Prairie Canal Backfill CERPRA Permit (Permit No. 0221670-001-GL). Modifications to the original permit are indicated as follows: all additions are displayed as underlines and deletions as ~~strikethroughs~~.

Please review this document carefully and make copies for the project site and all appropriate persons associated with the project. Please discuss the document with your staff, contracted/hired personnel, and applicable others to ensure compliance with the conditions and requirements contained therein.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

If you have any questions about this document, please contact me at (850) 245-8422.

Sincerely,

Shelley Yaun
Environmental Manager
Water Quality Standards & Special Projects Program

SY/ng



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

COMPREHENSIVE EVERGLADES RESTORATION PLAN REGULATION ACT (CERPRA) PERMIT-CONSTRUCTION AND OPERATION AUTHORIZATION

PERMITTEE:

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

ATTENTION:

Ms. Carol Wehle
Executive Director

Permit Number: 0221670-004-GL

Date of Issue: October 28, 2005

Project: Picayune Strand Restoration

Expiration Date: October 28, 2010

Phase I Prairie Canal Backfill Project and Road Removal Project

County: Collier

This permit is issued under the authority of the Comprehensive Everglades Restoration Plan Regulation Act (CERPRA), Chapter 373.1502, Florida Statutes (F.S.); Title 62, Florida Administrative Code (F.A.C.); and pursuant to the Department of Environmental Protection (Department) authority under Chapter 373 and 403, F.S. The activity is not exempt from the requirement to obtain a CERPRA Permit.

The above named permittee is hereby authorized to initiate the activities described on the application, associated drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. The activities authorized by this permit must be conducted in conformance with all the provisions of this permit. Failure to comply with all permit conditions and documents referenced herein shall constitute grounds for revocation of the permit and appropriate enforcement action.

This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, 14 U.S.C. § 1456. Activities described in the related documents are not authorized until the project is determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

PROJECT DESCRIPTION:

The Picayune Strand Restoration Project, a 'project component,' as defined in Section 373.1501(1), F.S., is a Comprehensive Everglades Restoration Plan (CERP) Project. The Water Resources Development Act of 2000 approved CERP under Section 601 as a framework for modifications to the Central and Southern Florida Project necessary to restore the South Florida ecosystem. The Picayune Strand Restoration Project was also identified as an Acceler8 project which the State of Florida is accelerating the funding, design, and construction of in order to realize immediate environmental benefits. The objective of the Picayune Strand Restoration Project is to restore the hydrological and ecological function of the region by establishing pre-development sheet flows and hydroperiods.

Prairie Canal

The Prairie Canal Backfill (Prairie Canal) portion of the Picayune Strand Restoration Project ~~first phase of the Picayune Strand Restoration Project, the Prairie Canal Backfill Project, (Prairie Canal)~~ consists of the elimination of channelized flow in the Prairie Canal (See Figure 1). The project involves construction of a number of earthen plugs in the canal, based on fill availability, to prevent discharge south through the canal and to restore natural

overland flow. Waters involved in this phase portion of the project are Class III waters with the total work area of the project comprised of 42 acres on or over wetlands. Source material for the canal plugs and swale blocks consists of the spoils from the original canal and swale excavations, and the demolition and degrading of dirt roads within the project area. The Prairie Canal phase portion is scheduled to take place in three restoration stages. Stage one consists of the installation of earthen plugs from the northern terminus of the canal to 79th Street (approx. 2 miles). This stage also includes the filling of a ditch and canal which extend from Prairie Canal to Broken Wing Ranch. Stage two shall be conducted from 79th to Stewart (approx. 3 miles). This stage includes the installation of earthen plugs and the construction of (6) 30" diameter culverts with concrete endwalls under Stewart Boulevard and the installation of (8) 30" diameter culverts with concrete endwalls under Janes Memorial Scenic Drive. The third and final stage involves the installation of earthen plugs and would continue southward (approx. 2 miles) to, but not including, the east-west section of Prairie Canal. If remaining fill permits, all plugs will be graded to allow for settlement to match existing natural adjacent grades. ~~This permit only authorizes activities associated with the Prairie Canal Backfill Project.~~

Road Removal

The Road Removal portion of the Picayune Strand Restoration Project consists of degrading approximately 260 miles of roads located throughout the project area (See Exhibit 1C). Approximately 60 miles of asphalt on the paved roads including Miller, Everglades, Patterson and Stewart Boulevards will be removed and stockpiled. Secondary gravel roads will be lowered to natural, pre-development grade.

Clearing of all vegetation will extend approximately 100 feet from the centerline. Existing roads and berms will be degraded to natural ground, and existing roadside swales will be filled to natural ground elevations. The asphalt removed from paved roads will be stockpiled in specified areas for future disposal. All other material excavated from the roads may be stockpiled on site for subsequent use in canal plugging and backfilling. The District's current construction strategy for road removal is to perform the work in four phases: Phase 1 - All roads east of Merritt Canal; Phase 2 - All roads between Merritt and Faka Union Canals; Phase 3 - All roads between Faka Union and Miller Canals; Phase 4 - All roads west of Miller Canal. However, as construction progresses and knowledge is gained, the phases listed above may be changed, modified, or incorporated to facilitate the expedited restoration of Picayune Strand. The removal of existing roads will return the hydrology to a more natural sheetflow regime, restoring native plant communities and improving both estuarine and upland habitat for fish and wildlife resources. Total work area will impact 5,278.62 acres of wetlands and all waters involved in this portion of the project are Class III waters.

This permit only authorizes activities associated with the Prairie Canal Backfill Project and the Road Removal Project. The South Florida Water Management District (District) is the local sponsor of this project component and is responsible for its repair, replacement, and rehabilitation. All conditions found herein apply to the District.

PROJECT LOCATION:

~~The Prairie Canal backfill portion of the~~ Picayune Strand Restoration Project encompasses an area of land in southwestern Collier County, Florida. It is located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands National Wildlife Refuge, east of the South Belle Meade State Conservation and Recreation Lands (CARL) project, west of the Fakahatchee Strand State Preserve and northeast of Collier-Seminole State Park. The Prairie Canal Backfill and the Road Removal portions of this Project are located in Sections 01-36, 42, 43, Township 51 South, Range 28 East; Sections 1-36, 25 & 36, Township 50 South, Range 28 East; Sections 1, 12, 13, 14, 24, 25, & 36, Township 50 South, Range 27 East; Sections 1, 12, 13, 14, 24, 25, & 36, Township 51 South, Range 27 East; Sections 4, 5, & 6, Township 52 South, Range 37 East; and Sections 18, 19, and 30, Township 50 South, Range 29 East.

DECLARATION OF REASONABLE ASSURANCES:

In issuing this permit, the Department finds that the District has given reasonable assurances sufficient to satisfy the requirements of the Comprehensive Everglades Restoration Plan Regulation Act, section 373.1502, F.S. The Department bases this finding on the following documents, listed by FDEP document number:

- 1) South Florida Water Management District, Picayune Strand Restoration Project, Phase 1 (Prairie Canal) Comprehensive Everglades Restoration Plan Permit Application and associated materials (January 2004);
- 2) United States Army Corps of Engineers, Jacksonville District, Final Picayune Strand Restoration Project Implementation Report and EIS: Volume 1- 4 (September 2004);
- 3) South Florida Water Management District, Fish and Wildlife Resource Monitoring, Vegetation Monitoring, and Construction Protocol Plan (October 2002), amended (September 2005); and,
- 4) South Florida Water Management District, Picayune Strand Project, Road Removal, Comprehensive Everglades Restoration Plan Permit Application and associated materials (April 2006);

Specifically, there are reasonable assurances, pursuant to section 373.1502, F.S., that:

- “The project component will achieve the design objectives set forth in the detailed design documents submitted as part of the application.” This finding is based on document 1 in its entirety with emphasis on Contract CP-04-0075; document 2, Volume 1, with emphasis on Section 8; document 2, Volume 2, Appendix C; and document 3, Fish and Wildlife Resource Monitoring and Vegetation Monitoring Plan, and document 4 in its entirety.
- “State water quality standards, including water quality criteria and moderating provisions, will be met. Under no circumstances shall the project component cause or contribute to violation of state water quality standards.” This finding is based on document 1 in its entirety with emphasis on Contract CP-04-0075, Temporary Barriers and Controls and Turbidity Control and Monitoring; document 2, Volume 4, Appendix H; document 2, Volume 1, Section 9; and document 3, Fish and Wildlife Resource Monitoring Plan, and document 4 with emphasis on Section C. Part IV.
- “Discharges from the project component will not pose a serious danger to public health, safety or welfare.” This finding is based on document 1; document 2, Volume 1, Section 10; document 2, Volume 4, Appendix E; and, document 3, Fish and Wildlife Resource Monitoring Plan; and document 4 with emphasis on the Picayune Strand Restoration Project Biological Assessment.
- “Any impacts to wetlands or threatened or endangered species resulting from implementation of the project component will be avoided, minimized, and mitigated as appropriate.” This finding is based on document 1 with emphasis on the T&E Species Report and the D.O.F. Management Plan; document 2, Volume 3, Appendix D; and, document 3 in its entirety, and document 4 with emphasis on the Final Fish and Wildlife Coordination Act Report and the Picayune Strand Restoration Project Biological Assessment.

The District agrees to construct the project component in accordance with the provisions of this permit, permit application, and associated documentation.

GENERAL CONDITIONS:

In accordance with Subsection 373.1502(3)(e)(2) of the CERPRA, this permit may include any standard conditions provided by Department rule, which are appropriate and consistent with the CERPRA.

1. **Scope of Permit.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

2. **Enforcement.** The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to sections 373.129, 403.141, 403.727, 403.859 through 403.861 F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
3. **Limitation of Rights.** The issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. However, this permit is in lieu of other permits under Chapter 373 and Chapter 403, F.S., except for permits issued under any delegated or approved federal program.
4. **Limitations Upon Title.** This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. **Liability.** This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
6. **Operation and Maintenance Responsibilities.** The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. **Access Rights.** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. **Noncompliance.** If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. **Records As Evidence.** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which

are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111, F.S. and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. **Changes In Law.** The permittee agrees to comply with changes in applicable Department rules and applicable Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida law. A reasonable time for compliance with new or amended surface water quality standard, other than those addressed in the Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. **Transferability.** This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-343.130, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. **Permit at Work Site.** This permit or a copy thereof shall be kept at the work site of the permitted activity. For the purposes of this permit the work site shall be defined as South Florida Water Management District Headquarters located at 3301 Gun Club Road in West Palm Beach, Florida.
13. **Records Retention.** The permittee shall comply with the following:
 - A. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department;
 - B. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule; and
 - C. Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed or the appropriate code as required by Chapter 62-160, F.A.C.;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used, including but not limited to MDL; and
 6. the results of such analyses, including identification of potential outlier values.
14. **Requests for Information.** When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
15. **External Agency Requirements.** Should any other regulatory agency require changes to the permitted system, the permittee shall notify the Department in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
16. **Sovereign Lands.** The permittee is hereby advised that Florida law states: No person shall commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, title to

which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

SPECIFIC CONDITIONS:

1. **Artifacts.** If historical or archaeological artifacts, including but not limited to Indian canoes, are discovered at any time within the project component site, the permittee shall immediately notify the Department's South District Office at the address and telephone number listed in Specific Condition No. 2 below, and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250, telephone (850) 487-2333.
2. **Addresses.** Reports and notices submitted to the Department in accordance with this permit shall be submitted to the Department's Division of Water Resource Management, Water Quality Standards and Special Projects Program, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida, 32399-2400, telephone no. (850) 245-8416. In addition, reports and notices concerning construction activities shall be submitted to the Department's South District Office, Watershed Management and Restoration, 2295 Victoria Ave., Suite 364, Ft. Myers, Florida, 33902-2549, telephone no. (239) 332-6975.
3. **Endangered Species.** The permittee shall conduct all work the on the Prairie Canal portion in accordance with the resource protection measures identified in the District's Monitoring Plan (Document No. 3) submitted as a supplemental document to the permit application file. The permittee shall not commence construction on the Road Removal portion of this project until sufficient documentation demonstrating compliance with Section 7 of the Endangered Species Act has been submitted to the Department. ~~In addition~~ For all portions of the project, the permittee shall conduct a pre-construction briefing to include species presence, identification, avoidance and required notifications with the contractor prior to any construction activities. The permittee shall also ensure that all on-site contractor employees participate in a training session on species/habitat identification and the construction protocols identified in the aforementioned plan prior to construction.

Construction

4. **Instructions to Contractors.** The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project component and shall give a copy of this permit to each contractor and subcontractor before the authorized work begins. Prior to construction, the permittee shall schedule a pre-construction meeting for attendance by the contractor(s), and representatives from the District, the Department, the Corps, and other environmental regulatory agencies. The Department shall receive at least two weeks notice of meeting. The proposed construction schedule shall be provided at the pre-construction meeting.
5. **Authorized Construction.** This permit authorizes construction of the Prairie Canal and Road Removal Projects in accordance with the plans submitted to the Department in the permit application, the subsequent response to the Department's Request for Additional Information from the District, the application for modification dated April 19, 2006, and subsequent supplemental submittals. The permittee shall submit detailed designs for the Prairie Canal portion to the Department for review and approval at the earliest date possible. Prior to commencement of the second, third, and forth phases, and/or a combination thereof, of the Road Removal Project the permittee shall submit final plans to the Department for review and approval.
6. **Future Phases.** This permit does not authorize any construction activities associated with future portions of the Picayune Strand Restoration Project. Future phases will require separate review and approval by the Department.

7. **Construction Best Management Practices (BMPs).** At all times during the construction, the permittee shall use best management techniques for erosion and sedimentation control. All graded areas shall be stabilized immediately after construction to prevent erosion. The permittee shall take all reasonable precautions to minimize the suspension and transport of soils, levee materials, and roadway materials into waters adjacent to or downstream of the construction site in accordance with Section 02435 of the technical specifications in the permit application. Prior to initiating construction, the permittee shall submit a construction plan which details the use of sediment controls for Department review and approval.
8. **Native Vegetation.** Limits and extent of clearing and grubbing shall consider minimizing or avoiding impacts to native vegetation, either within or immediately adjacent to the project area. Specifically, large cypress trees and native hardwoods, such as oaks, with a caliper greater than 8 inches shall be protected during construction
9. **Water Level and Water Quality Monitoring.** The permittee shall collect and analyze surface water samples within the Prairie Canal restoration area in accordance with the parameters and frequencies identified in the District's Monitoring Plan (Document No. 3). Revisions to the plan shall be made in writing and sent to the Department's Tallahassee office at the address identified in Specific Condition No. 2 for review by Department staff.
10. **Turbidity Monitoring.** Effective means of turbidity control, such as, but not limited to, turbidity curtains, shall be employed during all construction, maintenance, or operation activities that may create turbidity so that it shall not exceed 29 NTU's above background in the receiving waters. Turbidity curtains or other controls shall be placed and maintained around the work area to confine turbidity generated by the construction operation within the work area. All screens, sheet pile, and other turbidity control devices shall remain in place until all turbidity has subsided and the turbidity level in the work cell meets state standards.

Turbidity monitoring equipment and personnel trained to use it shall be available on site at all times during construction activities that could result in project-generated turbidity levels beyond the work area. For monitoring purposes, the work area is that area defined by the turbidity curtailed "cell(s)." The permittee shall monitor turbidity levels at least once every four hours during all operations that may create turbidity (unless monitoring data shows this to be excessive) during construction as follows.

A. Monitoring samples shall be taken at the surface at the following locations:

1. Background Sample(s): at a representative point downstream from construction activity at mid-depth in the water column and not within any plume generated by such activity
2. Compliance Sample(s): Within the densest portion of any noted plume.

B. Turbidity monitoring results shall be compiled daily and summarized quarterly (every three calendar months) by project component. Beginning with the first calendar month that construction occurs that could generate turbidity in waters adjacent to the construction sites and continue until all construction is completed. Monitoring data with supporting documents shall be submitted to the Department quarterly during the period of actual construction. The reports shall clearly identify the following information:

1. Permit number;
2. Dates and time of sampling and analysis;
3. A statement describing the methods used in collection, handling, storage and analysis of the samples;

4. A clear description of project component activities taking place at the time of sampling;
5. A map indicating the sampling locations; and,
6. A statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

C. Monitoring reports shall also include the following information for each sample that is taken:

1. Water depth
2. Depth of sample
3. Weather conditions
4. Water level stage and direction of flow.

In the event that project-generated turbidity levels beyond the work areas exceed the standard 29 NTUs above background, project component activities contributing to elevated turbidity levels shall immediately cease, and the Department shall be notified immediately. Work shall not resume until the work can be conducted in compliance with the aforementioned turbidity standard.

11. **Adjacent Wetlands.** If wetlands exist adjacent to the Prairie Canal project component, the perimeter of the protected wetlands adjacent to the area shall be staked and fenced off with construction fencing or other effective physical barriers to prevent encroachment into wetlands prior to the commencement of construction. Upon completion of the barrier installation, the permittee shall contact the Department at the South District address listed in Specific Condition No. 2 to determine whether an inspection of the installed controls are necessary. The barriers shall remain in place until all adjacent construction activities are complete.
12. **Water Quantity and Flooding Impacts.** The permittee shall be responsible for ensuring that the project is constructed and operated so as to not adversely affect adjacent lands with regards to flooding impacts. The permittee shall hold and save the Department harmless for any and all damages, claims or liabilities, which may arise from water quantity and/or flooding impacts resulting from construction and operation of this project.
13. **NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities** The issuance of this permit does not constitute coverage under the National Pollutant Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharges from Large and Small Construction Activities (CGP) pursuant to Rule 62-621.300(4)(a), F.A.C. Prior to the commencement of any construction, the permittee is advised to contact the Department's NPDES Stormwater Program at (850) 245-7522 or toll free at (866) 336-6312. Application information is also available for download at www.dep.state.fl.us/water/stormwater/npdes/index.htm.
14. **NPDES General Permit for the Discharge of Produced Groundwater from any Non-Contaminated Site Activity.** The issuance of this permit does not constitute coverage under the NPDES General Permit for the Discharge of Produced Groundwater from any Non-Contaminated Site Activity pursuant to 62-621.300(2), F.A.C. If any offsite discharges will occur due to construction dewatering activities, then coverage under the aforementioned General Permit may be required and the permittee is advised to review Rule 62-621.300(2), F.A.C. Before discharge of produced groundwater can occur, analytical tests on samples of the proposed discharge water shall be performed to determine if contamination exists. If the analytical results comply with applicable criteria for use of the General Permit, then a short summary of the proposed activity and copy of the analytical tests shall be sent to the FDEP Tallahassee Office (See Specific Condition No. 2) within one week after discharge begins, and the permittee may proceed with the project component while abiding by all conditions of the General Permit.
15. **Dewatering.** If any discharges will occur due to construction dewatering activities, the permittee shall submit site-specific dewatering information to the Department for review and approval at least 30 days prior to commencement of dewatering activities. The plan shall include at a minimum: a site plan of the project

component with the location of the proposed discharge point(s) and their associated water quality monitoring locations; the location and type of turbidity control devices and methods necessary to ensure state water quality standards will be met; calculations estimating the area of influence of dewatering, pumpage rates, duration and volumes; and any proposed methods of construction. If dewatering will not be retained onsite also include documentation that the dewatering activities will meet the criteria contained in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District-August 31, 2003" with emphasis on Section 2.5.2(4).

16. **As-Built Certification and Record Drawings.** Within 90 days after completion of construction for this project component, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as built" or "record" drawings. A registered surveyor shall certify all surveyed dimensions and elevations.

Operations & Maintenance

17. **Annual Reports.** The District shall submit an "Annual Report" to the Department detailing the progress of the project. In addition to the permit number and name of the permit administrator, the Annual Reports shall contain, at a minimum, the following information; the project name, permit number, discussion of project status, and conclusions regarding project success, problems encountered during the period covered, and actions taken to address problems encountered. The report shall also provide a discussion of the results obtained from the District's monitoring plan (Document No. 3). The annual reporting requirements under this permit shall be incorporated into the South Florida Environmental Report (SFER) and submitted to the Department no later than March 1st. If additional reporting modifications are required, the permittee may request a modification of the annual report submission date and upon approval by the Department, the permittee may modify the Annual Report submission date to coincide with other reporting requirements and time periods needed for data acquisition and analysis. The reports shall be submitted on an annual basis for a period of 5 years after the completion of construction. At that time the permittee and Department shall meet to determine if further reporting is required.

Renewals and Modifications

18. **Permit Modifications.** The permittee shall submit proposed modifications of the Prairie Canal and Road Removal Projects to the Department, prior to implementation of the modification, for review and approval by the Department.
19. **Permit Renewal.** The Prairie Canal and Road Removal Projects ~~is~~ are part of a larger restoration effort, and therefore may be supplanted by a more comprehensive multiple component permit in the future. If this does not occur, the permittee shall apply for renewal of this permit, at least 60 days prior to the expiration date. Renewal may be for a period of up to 5 years in accordance with Subsection (3)(g) of the CERPRA.
20. **Department Review and Approval.** Where conditions in this permit require Department review of remedial actions or plan modifications to be implemented pursuant to this permit, the Department will consult with the permittee to ascertain whether mutual agreement can be reached. If mutual agreement on the remedial actions or plan modifications cannot be reached, the action of the Department will be deemed final agency action and will be subject to judicial or administrative review, as appropriate.

Permittee: South Florida Water Management District
Project: Picayune Strand, Phase-I Prairie Canal and Road Removal
File No.: 0221670-004-GL
Page 10 of 12

Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jerry Brooks Date
Deputy Division Director
Division of Water Resources Management

JB/sy/ng

FILING AND ACKNOWLEDGMENT

FILED, on this date, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk Date

ELECTRIC COPIES FURNISHED TO:

Ken Ammon, SFWMD West Palm
John Mitnik, SFWMD West Palm
Chip Eitel, SFWMD West Palm
Nimmy Jeyakumar, SFWMD West Palm
Janet Starnes, SFWMD West Palm
Kirk Burns, SFWMD West Palm
Greg Knecht, FDEP Tallahassee
John Outland, FDEP Tallahassee
Judy Warrick, FDEP Tallahassee
Kenny Hayman, FDEP Tallahassee
Shelly Yaun, FDEP Tallahassee
Nora Gluch, FDEP Tallahassee
Tracy Robb, FDEP West Palm
Ed Bowman, FDEP MacLay Gardens
Jennifer Nelson, FDEP Ft. Myers
Gordon Romeis, FDEP Ft. Myers
Tori White, USACE
Stephanie Rouso, FFWCC Vero Beach
Kim Dryden, U.S. Fish and Wildlife
Sonya Durrwatcher, FDACS
Layne Hamilton, Ten Thousand Islands National Wildlife Refuge
Greg Toppin, Fakahatchee Strand Preserve State Park
Donna Fiala, Collier County Commissioner

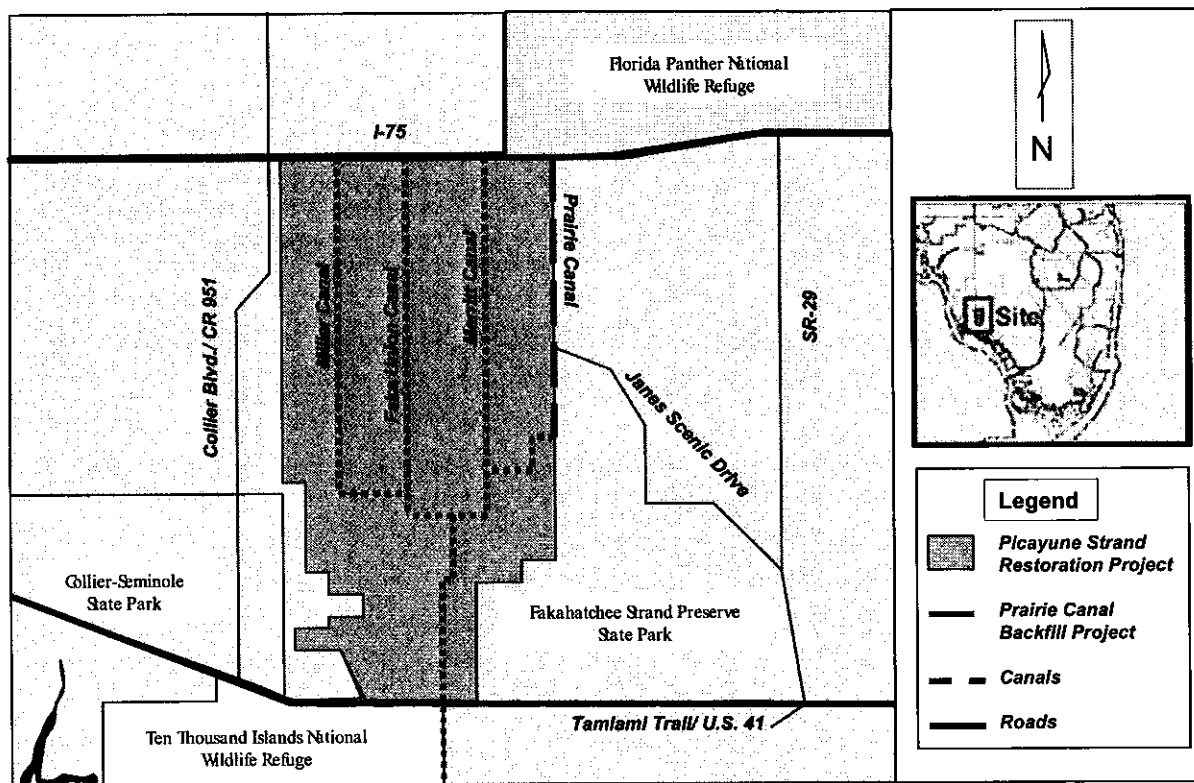
Permittee: South Florida Water Management District
Project: Picayune Strand, Phase I Prairie Canal and Road Removal
File No.: 0221670-004-GL
Page 11 of 12

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit, including all copies, were mailed or emailed before the close of business on _____ to the above listed persons.

Senior Clerk

Figure 1: Picayune Strand Restoration Project



Attachment 4
AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineering drawings to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Section at 904-232-2907.

1. Department of the Army Permit Number: _____

2. Permittee Information:

Name _____

Address _____

3. Project Site Identification:

Physical location/address _____

4. As-Built Certification:

I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

Signature of Engineer

Name (Please type)

(FL, PR or VI) Reg. Number

Company Name

Address

City

State

ZIP

(Affix Seal)

Date

Telephone Number

Attach additional pages as necessary to identify deviations from the approved permit drawings and special conditions.

Attachment 5
Picayune Strand Restoration Road Removal Project
Protected Species Pre-Construction Surveys
Survey Methodology
September 7, 2006

Quest Ecology will conduct pre-construction surveys on the Picayune Strand Restoration Project (PSRP) to determine the potential impacts of construction activities on state and federal listed species associated with Department of the Army Permit SAJ-2005-6598 (IP-TKW) (Picayune Strand Restoration Road Removal).

The surveyor will be familiar with fish and wildlife species lists compiled for the project site as part of the project's assessment under the Final Integrated Project Implementation Report/Environmental Impact Statement for the Picayune Strand Restoration Project, Collier County, Florida (U.S. Army Corps of Engineers, Jacksonville District, Jacksonville, FL, September 2004).

Vehicular and/or meandering pedestrian fish and wildlife surveys will be conducted in all habitats within 1) the project footprint of 100 feet from the road centerline, and 2) within visual range of the edge of the 100 foot boundary on either side of the road. Surveys will take place during morning (between sunrise and 11:00 a.m.) and evening (4:00 p.m. to sunset) hours only from May through September. Surveys may take place throughout the day for the remainder of the year. Surveys will not be conducted in adverse weather conditions that would limit detection of wildlife, including excessive winds and rain. Habitats within and immediately adjacent to the impact areas will be traversed and visually scanned.

Pedestrian surveys will specifically target eastern indigo snake (*Drymarchon corais couperi*) and gopher tortoise (*Gopherus polyphemus*), but observations of any listed or non-listed wildlife species will be documented. All vegetation and canal waters within visual distance of the impact areas will be scanned for nests or roosting birds. These surveys will target wading and migratory birds and will include, but will not be limited to: woodstork (*Mycteria americana*), bald eagle (*Haliaeetus leucocephalus*), Everglades snail kite (*Rostrhamus sociabilis plumbeus*), and American swallow-tailed kite (*Elanoides forficatus*) and short-tailed hawk (*Buteo brachyurus*). Mature pine and cypress trees within and adjacent to impact areas will be examined for the presence of bald eagle nests and active, inactive, and abandoned red-cockaded woodpecker (*Picoides borealis*) cavities. The surveyor will be qualified to identify vocalizations of red-cockaded woodpeckers and other migratory birds and will record the presence of these species if identified.

Specific surveys for potentially occurring but mobile species such as Florida panther (*Puma concolor coryi*), Everglades mink (*Mustela vison evergladensis*), Big Cypress fox squirrel (*Sciurus niger avicennia*), Florida black bear (*Ursus americanus floridanus*), and American crocodile (*Crocodylus acutus*) will not be conducted, as these species have been documented in the project area in previous fish and wildlife surveys and prey density studies. Likewise, no surveys will be conducted for small mammals, fish, aquatic invertebrates, cryptic, or nocturnal species as these species are documented in other project monitoring or fish and wildlife studies. However any observations or signs (tracks, nests, scat, tree markings) of these species will be noted and locations documented, if appropriate.

Surveys will be conducted on a one-time basis for the entire project site based on the timing of phased construction. The surveys will be conducted consistent with the timeframes as referenced in the Corps permit (within 30 days and at least two weeks prior to construction of each project phase. An exception to this time period may be granted for Phase I construction, which is imminent.

A summary report will be provided to the South Florida Water Management District. Copies of the survey shall be provided to the U.S. Fish and Wildlife Service, Naples sub-office of the South Florida Ecological Services Office, a minimum of 5 working days prior to construction for each phase of the project. Contact with the Florida Fish and Wildlife Conservation Commission shall be provided within the same time frames if state-listed species are identified. The summary will discuss which sampling methodologies were employed in the survey and will include sampling dates and times, weather, conditions, and any other factors that may have influenced the results of the survey effort. The summary will identify on a map, the location of all pedestrian and vehicular transects and present the results of all survey efforts in terms of the numbers and locations of individuals recorded. For each listed species

observed on the site, a general discussion of habitat or site features which contribute to the occurrence of the species should be included in the summary. Survey results will be provided as part of the pre-construction meeting with project contractors if appropriate. Coordination will take place with USFWS and FFWCC prior to each survey event and adequate notification provided to allow USFWS and FFWCC to participate in survey events.

Attachment 6
Standard Protection Measures for the Indigo Snake

- (1) An eastern indigo snake protection/education plan will be developed by the applicant for all construction personnel to follow. The plan will be provided to the Service for review and approval at least 30 days prior to any clearing activities. The education materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before and clearing activities occur). Informational signs should be posted throughout the construction site and contain the following:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming activities; and
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is found. The dead specimen should be thoroughly soaked in water, then frozen.
- (2) Only an individual who has been authorized either by a section 10(a)(1)(A) permit issued by the Service, or authorized by the FWC for such activities, is permitted to come into contact with or relocate an eastern indigo snake;
- (3) If necessary, eastern indigo snakes will be held in captivity only long enough to transport them to the release site; at no time will 2 snakes be kept in the same container during transportation; and
- (4) An eastern indigo snake monitoring report must be submitted to the Service's South Florida Ecological Services Office, Vero Beach, Florida, within 60 days of clearing completion. The report should be submitted when any eastern indigo snakes are observed or relocated. The report should contain the following information:
 - a. results of the tortoise burrow and field surveys;
 - b. any sightings of eastern indigo snakes;
 - c. summaries of any relocation activities for the Project (*e.g.*, locations of where and when they were found and relocated); and
 - d. other obligations required by the FWC, as stipulated in their permit.

Attachment 7
Unified Mitigation Assessment Methodology

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name Picayune Strand Road Removal		Application Number SAJ-2005-6598(IP-KW)		Assessment Area Name or Number Picayune Strand Restoration Project	
FLUCCs code PAB, PEM, PFO, PSS, UB		Further classification (optional)		Impact or Mitigation Site Impact/Mitigation	Assessment Area Size 55,247 acres
Basin/Watershed Name/Number Everglades West Coast Basin		Affected Waterbody (Class) Class III		Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands This site is located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands National Wildlife Refuge, east of the South Belle Meade State Conservation and Recreation Lands (CARL) project, west of the Fakahatchee Strand State Preserve and northeast of the Collier Seminole State Park.					
Assessment area description Within the proposed construction footprint of the road removal project there are approximately 5278 ac classified as wetlands that will be impacted and 463 ac of upland/roadway that will be removed and restored to wetlands. Habitats found within the PSRP Road Removal project include native and disturbed areas of hydric pine flatwoods, cypress swamp, cabbage palm and oak hammock, herbaceous wetlands, and Brazilian pepper thickets. For the most part, habitats within the previously disturbed construction areas (canals, ditches and roads) are of very poor quality, and are dominated by nuisance and exotic species. Common species include Brazilian pepper (<i>Schinus terebinthifolius</i>), lantana (<i>Lantana aculeata</i>), grape-vine (<i>Vitis</i> sp.), air potato (<i>Dioscorea</i> sp.), Spanish needles (<i>Bidens</i> spp.), nategrass (<i>Rhynchelytrum repens</i>), beauty-berry (<i>Callicarpa americana</i>), ragweed (<i>Ambrosia</i> spp.), dog fennel (<i>Eupatorium</i> spp.) and salt bush (<i>Baccharis</i> spp.). Cabbage palm (<i>Sabal palmetto</i>), wax myrtle (<i>Myrica cerifera</i>) and slash pine (<i>Pinus elliotti</i>) are scattered within the above vegetation in many areas.					
Significant nearby features This site is located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands National Wildlife Refuge, east of the South Belle Meade State Conservation and Recreation Lands (CARL) project, west of the Fakahatchee Strand State Preserve and northeast of the Collier Seminole State Park.			Uniqueness (considering the relative rarity in relation to the regional landscape.) This project is unique as it is the only remaining area within the Southwestern region of the state that needs to be restored to complete the ecosystem connectivity.		
Functions Due to extensive drainage by the construction of the canals and the roads, the wetlands have deteriorated and there are abnormal dry conditions, causing a significant alteration in the landscape's ecology. This in turn has significantly affected the fish and wildlife resources.			Mitigation for previous permit/other historic use N/A		
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found) Florida Panther, Bald Eagle, American Crocodile, Eastern Indigo Snake, Red-Cockaded Woodpecker, Wood Stork, Everglades Snail Kite, Everglades Mink, Big Cypress Fox Squirrel and Black Bear.			Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) Florida Panther (E), Bald Eagle (T), American Crocodile (E), Eastern Indigo Snake (T), Red-Cockaded Woodpecker (E), Woodstork (E), Everglades Snail Kite (E), Everglades Mink (E), Big Cypress Fox Squirrel (E) and Black Bear (E).		
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): American Alligator, Double Crested Cormorant, Florida Panthers, Bald Eagle, Black Bear, Indigo Snake, Wood Stork					
Additional relevant factors:					
Assessment conducted by: SFWMD & USACE			Assessment date(s): 9/7/2006		

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name PSRP Road Removal	Application Number SAJ-2005-6598(IP-TKW)	Assessment Area Name or Number Upland
Impact or Mitigation Restoration (462.93 acres)	Assessment conducted by: SFWMD & USACE	Assessment date: 9/7/2006

Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed

Optimal (10) Condition is optimal and fully supports wetland/surface water functions	Moderate(7) Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal (4) Minimal level of support of wetland/surface water functions	Not Present (0) Condition is insufficient to provide wetland/surface water functions
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.500(6)(a) Location and Landscape Support <div> <div>w/o pres or current</div> <div>6</div> <div>with</div> <div>8</div> </div>	Existing Conditions: This site is located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands National Wildlife Refuge, east of the South Belle Meade State Conservation and Recreation Lands (CARL) project, west of the Fakahatchee Strand State Preserve and northeast of the Collier Seminole State Park. North of the project is entirely low-density residential. With Project: The proposed project will remove 231 acres of roads which act as barriers to sheetflow and which allow public access and associated human disturbance including motorized vehicles (off road and on road), illegal dumping, use of firearms, and illegal harvest of cypress. With the project the managing entity, FDOF, will better be able to control public access.
.500(6)(b)Water Environment (n/a for uplands) <div> <div>w/o pres or current</div> <div>NA</div> <div>with</div> <div>7</div> </div>	Existing Conditions: Strong presence of altered hydrological conditions due to roads and numerous ditches and canals have resulted in the drainage of wetlands. The roads currently intercepts historic shallow flow paths. With project: The proposed project will degrade all the roads (uplands) to existing grade, which will allow for these areas to be used in the restoration of the sheet flow and thus create conditions for natural recruitment of native vegetation within these areas. Water environment will be restored to a historic natural sheet flow, improved recharged of deeper aquifer (Lower Tamiami Acquirer, and Water Table Aquifer), increase in above and underground water storage. This project also replaces the current rapid point discharges of freshwater into the estuaries with a diffused surface flow that slowly enters the coastal estuaries.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community <div> <div>w/o pres or current</div> <div>0</div> <div>with</div> <div>7</div> </div>	Existig Conditions: The majority of the existing roads are surfaced with a crushed lime rock surface and the remaining roads are paved with asphalt. The roads do not support any viable vegetative communities. With Project: The proposed project will degrade all the roads (uplands) to existing grade, which will allow for these areas to be restored to natural wetlands conditons. Recruitment of native wetland plant species is anticipated. Implementaion of the exotic management plan for this project will lead to a reduction of the exotic species.

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.3	0.733333

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas
FG = delta x acres = 199.06

Delta = [with-current]
0.43

If mitigation
Time lag (t-factor) = 1.07
Risk factor = 1.5

For mitigation assessment areas
RFG = FG/(t-factor x risk) = 124.02

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name PSRP Road Removal	Application Number SAJ-2005-6598(IP-TKW)	Assessment Area Name or Number PAB, PSS, PEM, PFO, UB
Impact or Mitigation Impact & Mitigation (5,278.62 acres)	Assessment conducted by: SFWMD & USACE	Assessment date: 9/7/2006

Scoring Guidance The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	w/o pres or current	with	<p>Existing Conditions: This site is located southwest of the Florida Panther National Wildlife Refuge, north of the Ten Thousand Islands National Wildlife Refuge, east of the South Belle Meade State Conservation and Recreation Lands (CARL) project, west of the Fakahatchee Strand State Preserve and northeast of the Collier Seminole State Park. North of the project is entirely low-density residential. With Project: The proposed project will remove 231 acres of roads which act as barriers to sheetflow and which allow public access and associated human disturbance including motorized vehicles (off road and on road), illegal dumping, use of firearms, and illegal harvest of cypress. With the project the managing entity, FDOF, will better be able to control public access.</p>
	6	8	
.500(6)(b) Water Environment (n/a for uplands)	w/o pres or current	with	<p>Existing Conditions: Strong presence of altered hydrological conditions as well as numerous ditches and canals capable of draining the wetlands. Habitats found within the PSRP Road Removal project include native and disturbed areas of hydric pine flatwoods, cypress swamp, cabbage palm and oak hammock, herbaceous wetlands, and Brazilian pepper thickets. For the most part, habitats within the previously disturbed construction areas (canals, ditches and roads) are of very poor quality, and are dominated by nuisance and exotic species. With project: Water environment will be restored to a historic natural sheet flow by removing roads which act as barriers. This will result in improving the hydroperiod of existing wetlands by restoring the slow moving sheet flow of water across much of the area. This would benefit various aquatic and benthic organisms, amphibians, reptiles and will provide for a food source for higher organisms including birds.</p>
	5	7	
.500(6)(c) Community structure 1. Vegetation and/or 2. Benthic Community	w/o pres or current	with	<p>Existig Conditions: Habitats found within the PSRP Road Removal project include native and disturbed areas of hydric pine flatwoods, cypress swamp, cabbage palm and oak hammock, herbaceous wetlands, and Brazilian pepper thickets. For the most part, habitats within the previously disturbed construction areas (canals, ditches and roads) are of very poor quality, and are dominated by nuisance and exotic species. Common species include Brazilian pepper (<i>Schinus terebinthifolius</i>), lantana (<i>Lantana aculeata</i>), grape-vine (<i>Vitis</i> sp.), air potato (<i>Dioscorea</i> sp.), Spanish needles (<i>Bidens</i> spp.), natalgrass (<i>Rhynchelytrum repens</i>), beauty-berry (<i>Callicarpa americana</i>), ragweed (<i>Ambrosia</i> spp.), dog fennel (<i>Eupatorium</i> spp.) and salt bush (<i>Baccharis</i> spp.). Cabbage palm (<i>Sabal palmetto</i>), wax myrtle (<i>Myrica cerifera</i>) and slash pine (<i>Pinus elliotti</i>) are scattered within the above vegetation in many areas. With Project: Restoration of the water to a natural sheet flow will result in restoration of native vegetative communities. Implementaion of the exotic management plan for this project will lead to a reduction of the exotic species. Reestablishment of high quality hydric pine flatwood habitats.</p>
	6	8	

Score = sum of above scores/30 (if uplands, divide by 20)	
current	with
0.56667	0.76667

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

For impact assessment areas
FL = delta x acres =

Delta = [with-current]
0.2

If mitigation
Time lag (t-factor) = 1.07
Risk factor = 1.5

For mitigation assessment areas
RFG = FL/(t-factor x risk) = 657.77